

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 1999

 FORTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 21, 1999

The House of Representatives convened at 12:00 noon and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Father Thaddeus Wojcik, St. Mary's Orthodox Cathedral, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dorman	Holberg	Lieder	Otremba	Stanek
Abrams	Dorn	Holsten	Lindner	Ozment	Stang
Anderson, B.	Entenza	Howes	Luther	Paulsen	Storm
Anderson, I.	Erhardt	Huntley	Mahoney	Pawlenty	Swenson
Bakk	Erickson	Jaros	Mares	Paymar	Sykora
Biernat	Finseth	Jennings	Mariani	Pelowski	Tingelstad
Bishop	Folliard	Johnson	Marko	Peterson	Tomassoni
Boudreau	Fuller	Juhnke	McCollum	Pugh	Trimble
Bradley	Gerlach	Kahn	McElroy	Rest	Tuma
Broecker	Gleason	Kalis	McGuire	Reuter	Tunheim
Buesgens	Goodno	Kelliher	Milbert	Rhodes	Van Dellen
Carlson	Gray	Kielkucki	Molnau	Rifenberg	Vandever
Carruthers	Greenfield	Knoblach	Mulder	Rostberg	Wagenius
Cassell	Greiling	Koskinen	Mullery	Rukavina	Wejzman
Chaudhary	Gunther	Krinkie	Murphy	Schumacher	Wenzel
Clark, J.	Haake	Kubly	Ness	Seagren	Westerberg
Clark, K.	Haas	Kuisle	Nornes	Seifert, J.	Westrom
Daggett	Hackbarth	Larsen, P.	Olson	Seifert, M.	Wilkin
Davids	Harder	Larson, D.	Opatz	Skoe	Winter
Dawkins	Hasskamp	Leighton	Orfield	Skoglund	Wolf
Dehler	Hausman	Lenczewski	Osskopp	Smith	Workman
Dempsey	Hilty	Leppik	Osthoff	Solberg	Spk. Sviggum

A quorum was present.

Munger and Westfall were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Osskopp moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 20, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 645, relating to the environment; conforming state requirements for water supply and wastewater treatment operator certification to federal requirements; removing the expiration date of an advisory council; removing obsolete references.

H. F. No. 1421, relating to professions; modifying temporary permit requirements for podiatrists.

H. F. No. 868, relating to crime prevention; amending the theft law to specifically apply to certain situations involving the rental of personal property or equipment.

H. F. No. 67, relating to crime; imposing penalties for killing or injuring a search and rescue dog.

H. F. No. 793, relating to liens; creating a lien and right of detainer.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1999 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1999</i>	<i>Date Filed 1999</i>
	645	66	9:14 a.m. April 20	April 20
	1421	67	9:08 a.m. April 20	April 20
1554		68	9:22 a.m. April 20	April 20
465		69	9:23 a.m. April 20	April 20
1600		70	9:15 a.m. April 20	April 20
973		71	9:16 a.m. April 20	April 20
198		72	9:12 a.m. April 20	April 20
1176		73	9:17 a.m. April 20	April 20
129		74	9:18 a.m. April 20	April 20
257		75	9:26 a.m. April 20	April 20
	868	76	9:19 a.m. April 20	April 20
	67	77	9:20 a.m. April 20	April 20
	793	78	9:24 a.m. April 20	April 20
98		79	9:21 a.m. April 20	April 20
829		80	9:09 a.m. April 20	April 20
972		81	9:25 a.m. April 20	April 20

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 2412, A bill for an act relating to health and human services; modifying provisions relating to health; health department; human services; human services department; long-term care; medical assistance; general assistance medical care; MinnesotaCare; state-operated services; chemical dependency; mental health; Minnesota family investment program and adult supports; child support enforcement; child protection; veterans nursing homes board; health-related licensing boards; emergency medical services regulatory board; Minnesota state council on disability; ombudsman for mental health and mental retardation; ombudsman for families; modifying fees; providing penalties; requiring reports; appropriating money; amending Minnesota Statutes 1998, sections 13.46, subdivision 2; 13.99, by adding a subdivision; 15.059, subdivision 5a; 16C.10, subdivision 5; 31.96; 62D.11, subdivision 1; 62J.04, subdivision 3; 62J.06; 62J.07, subdivisions 1 and 3; 62J.09, subdivision 8; 62J.2930, subdivision 3; 62J.451, subdivisions 6a, 6b, and 6c; 62J.69, by adding subdivisions; 62J.77; 62M.01; 62M.02, subdivisions 3, 4, 5, 6, 7, 9, 10, 11, 12, 17, 20, 21, and by adding a subdivision; 62M.03, subdivisions 1 and 3; 62M.04, subdivisions 1, 2, 3, and 4; 62M.05; 62M.06; 62M.07; 62M.09, subdivision 3; 62M.10, subdivisions 2, 5, and 7; 62M.12; 62M.15; 62Q.03, subdivision 5a; 62Q.075; 62Q.106; 62Q.19, subdivisions 1, 2, 5a, and 6; 62R.06, subdivision 1; 62T.04; 72A.201, subdivision 4a; 122A.09, subdivision 4; 125A.08; 125A.21, subdivision 1; 125A.74, subdivisions 1 and 2; 125A.744, subdivision 3; 125A.76, subdivision 2; 144.121, by adding a subdivision; 144.147; 144.1483; 144.1492, subdivision 3; 144.413, subdivision 2; 144.414, subdivision 1; 144.4165; 144.56, subdivision 2b; 144.99, subdivision 1, and by adding a subdivision; 144A.073; 144A.10, by adding subdivisions; 144A.4605, subdivision 2; 144D.01, subdivision 4; 145.924; 145.9255, subdivisions 1 and 4; 148.5194; 245.462, subdivisions 4 and 17; 245.4711, subdivision 1; 245.4712, subdivision 2; 245.4871, subdivisions 4 and 26; 245.4881, subdivision 1; 245B.05, subdivision 7; 245B.07, subdivisions 5, 8, and 10; 246.18, subdivision 6; 252.28, subdivision 1; 252.32, subdivision 3a; 252.46, subdivision 6; 253B.045, by adding subdivisions; 253B.07, subdivision 1; 253B.185, by

adding a subdivision; 254A.07, subdivision 2; 254B.01, by adding a subdivision; 254B.02, subdivision 3; 254B.03, subdivisions 1 and 2; 254B.05, subdivision 1; 256.01, subdivisions 2, 6, and by adding a subdivision; 256.014, by adding a subdivision; 256.485; 256.87, subdivision 1a; 256.955, subdivisions 2, 3, 4, 7, and 9; 256.9685, subdivision 1a; 256.969, subdivision 1; 256.978, subdivision 1; 256B.04, subdivision 16, and by adding a subdivision; 256B.055, subdivision 3a; 256B.056, subdivision 4; 256B.057, by adding a subdivision; 256B.0575; 256B.0625, subdivisions 6a, 8, 8a, 13, 17, 19c, 26, 28, 30, 32, 35, and by adding subdivisions; 256B.0627, subdivisions 1, 2, 4, 5, 8, and by adding subdivisions; 256B.0635, subdivision 3; 256B.0911, subdivision 6; 256B.0913, subdivisions 5, 10, and 12; 256B.0916; 256B.0917, subdivision 8; 256B.094, subdivisions 3, 5, and 6; 256B.0951, subdivisions 1 and 3; 256B.0955; 256B.431, subdivision 17, and by adding a subdivision; 256B.434, subdivisions 3 and 13; 256B.435; 256B.48, subdivisions 1, 1a, 1b, and 6; 256B.50, subdivision 1e; 256B.501, subdivision 8a, and by adding a subdivision; 256B.5011, subdivisions 1 and 2; 256B.69, subdivisions 3a, 5a, 5b, 6a, 6b, and by adding subdivisions; 256B.692, subdivision 2; 256B.75; 256B.76; 256B.77, subdivisions 7a, 8, 10, 14, and by adding subdivisions; 256D.03, subdivision 4; 256D.06, subdivision 5; 256F.03, subdivision 5; 256F.05, subdivision 8; 256F.10, subdivisions 1, 4, 6, 7, 8, and 10; 256I.04, subdivision 3; 256I.05, subdivisions 1, 1a, and by adding a subdivision; 256J.02, subdivision 2; 256J.08, subdivisions 11, 65, 82, 86a, and by adding subdivisions; 256J.11, subdivisions 2 and 3; 256J.12, subdivisions 1a and 2; 256J.14; 256J.20, subdivision 3; 256J.21, subdivisions 2, 3, and 4; 256J.24, subdivisions 2, 3, 7, 8, and 9; 256J.26, subdivision 1; 256J.30, subdivisions 2, 7, 8, and 9; 256J.31, subdivisions 5 and 12; 256J.32, subdivisions 4 and 6; 256J.33; 256J.34, subdivisions 1, 3, and 4; 256J.35; 256J.36; 256J.37, subdivisions 1, 1a, 2, 9, and 10; 256J.38, subdivision 4; 256J.39, subdivision 1; 256J.42, subdivisions 1 and 5; 256J.43; 256J.45, subdivision 1, and by adding a subdivision; 256J.46, subdivisions 1, 2, and 2a; 256J.47, subdivision 4; 256J.48, subdivisions 2 and 3; 256J.50, subdivision 1; 256J.515; 256J.52, subdivisions 1, 3, 4, 5, and by adding a subdivision; 256J.54, subdivision 2; 256J.55, subdivision 4; 256J.56; 256J.62, subdivisions 1, 6, 7, 8, 9, and by adding a subdivision; 256J.67, subdivision 4; 256J.74, subdivision 2; 256J.76, subdivisions 1, 2, and 4; 256L.01, subdivision 4; 256L.04, subdivisions 2, 8, and 13; 256L.05, subdivision 4; 256L.06, subdivision 3; 256L.07; 256L.15, subdivisions 1, 1b, and 2; 257.071, subdivisions 1, 1d, and 4; 257.62, subdivision 5; 257.75, subdivision 2; 257.85, subdivisions 2, 3, 7, 9, and 11; 259.29, subdivision 2; 259.67, subdivisions 6 and 7; 259.73; 259.85, subdivisions 2, 3, and 5; 259.89, by adding a subdivision; 260.012; 260.015, subdivisions 13 and 29; 260.131, subdivision 1a; 260.133, subdivision 1; 260.135, by adding a subdivision; 260.155, subdivisions 4 and 8; 260.172, subdivision 1, and by adding a subdivision; 260.181, subdivision 3; 260.191, subdivisions 1 and 3b; 260.192; 260.221, subdivisions 1, 1b, 1c, 3, and 5; 518.10; 518.551, by adding a subdivision; 518.57, subdivision 3; 518.5851, by adding a subdivision; 518.5853, by adding a subdivision; 518.64, subdivision 2; 548.09, subdivision 1; 548.091, subdivisions 1, 1a, 2a, 3a, 4, 10, 11, 12, and by adding a subdivision; and 552.05, subdivision 10; Laws 1995, chapter 178, article 2, section 46, subdivision 10; Laws 1995, chapter 207, articles 3, section 21; and 8, section 41, as amended; Laws 1995, chapter 257, article 1, section 35, subdivision 1; Laws 1997, chapter 225, article 4, section 4; proposing coding for new law in Minnesota Statutes, chapters 62J; 62Q; 127A; 144; 144A; 144E; 145; 145A; 214; 245; 246; 252; 256B; 256J; and 518; repealing Minnesota Statutes 1998, sections 13.99, subdivision 19m; 62D.11, subdivisions 1b and 2; 62J.78; 62J.79; 62Q.105; 62Q.11; 62Q.30; 144.0723; 144.1475; 144.148; 144.9507, subdivision 4; 144.9511; 144A.33; 145.46; 157.011, subdivision 2; 254A.03, subdivision 2; 254A.031; 254A.145; 254A.17, subdivision 1a; 256.973; 256B.434, subdivision 17; 256B.501, subdivision 3g; 256B.5011, subdivision 3; 256D.053, subdivision 4; 256J.03; 256J.62, subdivisions 2, 3, and 5; 462A.208; 462A.21, subdivision 19; and 548.091, subdivisions 3, 5, and 6; Laws 1997, chapter 85, article 1, section 63; Laws 1997, chapter 203, article 7, section 27; Laws 1998, chapter 407, article 2, section 104; Minnesota Rules, parts 4685.0100, subparts 4 and 4a; 4685.1700; and 4688.0030.

Reported the same back with the following amendments:

Page 5, line 5, delete "14,299,000" and insert "14,229,000"

Page 5, line 39, delete "\$1,200,000" and insert "\$600,000 each year"

Page 9, after line 40, insert:

"[YEAR 2000 COSTS AT RTCS.] Of this appropriation, \$44,000 is for the costs associated with addressing potential year 2000 problems. Of this amount, \$19,000 is available the day following final enactment."

Page 11, line 44, before "46,930,000" insert "General"

Page 14, line 15, delete "14" and insert "13"

Page 14, after line 55, insert:

"[COSTS RELATED TO FACILITY CERTIFICATION.] Of this appropriation, \$168,000 is for the costs of providing one-half the state share of medical assistance reimbursement for residential and day habilitation services under article 3, section 39. This amount is available the day following final enactment."

Page 19, line 59, delete "Any"

Page 19, delete lines 60 to 64

Page 20, delete lines 1 and 2

Page 21, line 54, delete "14" and insert "13"

Page 23, line 31, before "Of" insert "(a)"

Page 23, line 43, after the period, insert:

"(b) Of this amount, \$300,000 is for the Westbrook health center for hospital and clinic improvements. The commissioner may provide these funds upon receipt of information from the Westbrook health center indicating how it has fulfilled the requirements of Minnesota Statutes, section 144.147, and evidence that it has raised at least a dollar-for-dollar match from nonstate sources.

(c)"

Page 26, after line 20, insert:

"[YEAR 2000 SURVEY OF FACILITIES AND WATER SYSTEMS.] Of this general fund appropriation, \$157,000 is for the costs associated with surveying by July 1, 1999, all hospitals, nursing homes, nontransient community water systems operated by a public entity, and community water supply systems for year 2000 problems and proposed solutions. Of this amount, \$52,000 is available the day following final enactment."

Page 26, after line 45, insert:

"[LUVERNE EMERGENCY RENOVATIONS.] Of this appropriation, \$229,000 is for the costs of lost patient revenues due to emergency renovations at the Luverne facility. This amount is available the day following final enactment."

Pages 28 and 29, delete section 11

Page 29, delete lines 13 and 14

Page 29, line 54, delete "14" and insert "13"

Page 40, line 27, delete "18" and insert "17"

Page 40, line 31, delete "14" and insert "13"

Page 54, line 34, after the period, insert "Upon completion of the report to the work group, the commissioner shall phase in risk adjustment according to the following schedule:

(1) for the first contract year, no more than ten percent of reimbursements shall be risk adjusted; and

(2) for the second contract year, no more than 30 percent of reimbursements shall be risk adjusted."

Page 94, line 14, delete "adolescents" and insert "children"

Page 334, line 31, delete "of the department"

Renumber the sections in sequence

Correct internal references

Correct the subdivision and section totals and the summaries by fund accordingly

Amend the title as follows:

Page 1, line 3, after "department;" insert "abortions; abortion reporting;"

Page 1, line 6, after "MinnesotaCare;" insert "senior drug program; home and community-based waivers; services for persons with disabilities; medical assistance reimbursement for special education and other services; county-based purchasing; group residential housing;"

Page 1, line 8, delete "and adult supports" and insert "; general assistance program" and after "enforcement;" insert "adoption; recreational licenses; paternity; children in need of protection or services; termination of parental rights;"

Page 1, line 9, after "protection;" insert "the regulation of health plan companies and utilization review organizations;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

S. F. No. 2223, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative and administrative expenses of state government with certain conditions; amending Minnesota Statutes 1998, sections 3.17; 3C.12, subdivision 2; 8.15, subdivisions 1, 2, and 3; 13.03, subdivision 2; 13.05, by adding a subdivision; 13.073, by adding a subdivision; 16A.102, subdivision 1; 16A.129, subdivision 3; 16A.28, subdivisions 1 and 2; 16A.45, subdivision 1; 16A.85, subdivision 1; 16B.03; 16B.104; 16B.24, subdivision 5; 16B.31, subdivision 2; 16B.42, subdivision 1; 16B.465, subdivision 3; 16B.72; 16B.73; 16D.04, subdivision 2; 16E.01, subdivision 1; 16E.02; 16E.08; 43A.047; 43A.22; 43A.23, subdivisions 1 and 2; 43A.31, subdivision 2, and by adding a subdivision; 138.17, subdivisions 7 and 8; 192.49, subdivision 3; 197.79,

subdivision 10; 204B.25, subdivision 2, and by adding a subdivision; 204B.27, by adding a subdivision; 204B.28, subdivision 1; 240A.09; 297F.08, by adding a subdivision; 325K.03, by adding a subdivision; 325K.04; 325K.05, subdivision 1; 325K.09, by adding a subdivision; 325K.10, subdivision 5; 325K.14, by adding a subdivision; 325K.15, by adding a subdivision; and 349.163, subdivision 4; Laws 1993, chapter 192, section 16; Laws 1994, chapter 643, section 69, subdivision 1; Laws 1995, First Special Session chapter 3, article 12, section 7, subdivision 1, as amended; Laws 1997, chapter 202, article 2, section 61; and Laws 1998, chapter 366, section 2; proposing coding for new law in Minnesota Statutes, chapters 16B; 240A; and 325F; repealing Minnesota Statutes 1998, sections 16A.103, subdivision 3; 16E.11; 16E.12; and 16E.13; Minnesota Rules, part 8275.0045, subpart 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

APPROPRIATIONS

Section 1. [STATE GOVERNMENT APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "2000" and "2001," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 2000, or June 30, 2001, respectively.

SUMMARY BY FUND

	2000	2001	BIENNIAL TOTAL
General	\$312,160,000	\$299,374,000	\$611,534,000
State Government Special Revenue	13,259,000	13,239,000	26,498,000
Health Care Access	1,842,000	1,871,000	3,713,000
Environmental	236,000	242,000	478,000
Solid Waste	660,000	670,000	1,330,000
Highway User Tax Distribution	2,129,000	2,173,000	4,302,000
Trunk Highway	37,000	37,000	74,000
Workers' Compensation	6,938,000	7,045,000	13,983,000
TOTAL	\$337,261,000	\$324,651,000	\$661,912,000

APPROPRIATIONS
Available for the Year
Ending June 30
2000 2001

Sec. 2. LEGISLATURE

Subdivision 1. Total Appropriation \$53,776,000 \$57,754,000

Summary by Fund

General	53,589,000	57,567,000
Health Care		
Access	150,000	150,000
Trunk Highway	37,000	37,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Senate

15,217,000 16,602,000

Of amounts previously appropriated to the senate and carried forward into the biennium beginning July 1, 1999, \$1,000,000 is canceled to the general fund.

Subd. 3. House of Representatives

25,361,000 27,670,000

Of amounts previously appropriated to the house of representatives and carried forward into the biennium beginning July 1, 1999, \$2,000,000 is canceled to the general fund.

The spaces available to house and senate staff in the State Office Building parking ramp must be apportioned so that the percentage of house staff who work in the State Office Building and are able to park in the ramp is the same as the percentage of senate staff who work in the State Office Building and are able to park in the ramp.

During the interim between the 1999 and 2000 legislative sessions, the house state government finance committee and the senate governmental operations budget division shall study internal service funds and enterprise funds in the department of administration and the services provided through those funds. The study shall evaluate the appropriateness of the department continuing to provide the services paid for through these funds and the appropriate funding mechanism for providing these services.

Subd. 4. Legislative Coordinating Commission

Summary by Fund

General	13,011,000	13,295,000
Health Care		
Access	150,000	150,000
Trunk Highway	37,000	37,000

APPROPRIATIONS
Available for the Year
Ending June 30
2000 2001

\$5,484,000 the first year and \$5,582,000 the second year are for the office of the revisor of statutes.

\$1,079,000 the first year and \$1,107,000 the second year are for the legislative reference library.

\$4,765,000 the first year and \$4,895,000 the second year are for the office of the legislative auditor.

The appropriation to the legislative coordinating commission in Laws 1998, chapter 366, section 2, does not cancel until June 30, 2000. As a condition to executing the grant, there must be equitable financial participation in the exchange by the Canadian provinces.

Effective January 1, 2000, the house of representatives public information office and the senate publications office are combined, under the jurisdiction of the legislative coordinating commission.

Effective January 1, 2000, the house of representatives television services office and the senate media services offices are combined, under the jurisdiction of the legislative coordinating commission.

Effective January 1, 2000, the house of representatives administrative services office and senate offices that provide similar services are combined, under the jurisdiction of the legislative coordinating commission.

During the interim between the 1999 and 2000 legislative sessions, legislative appointing authorities may work with the department of employee relations to place legislative staff on temporary assignments in state agencies. The legislature is responsible for salary and benefits of employees who choose these temporary assignments. Work assignments and hours must be negotiated by legislative appointing authorities and the state agencies getting interim use of legislative staff. Refusal of a commissioner to find a suitable work assignment for interested and qualified legislative staff must be reported to the budget committee chairs of the house and senate that have jurisdiction over that agency's budget.

The legislative commission on pensions and retirement shall study and report to the legislature by January 15, 2000, on the comparability of pension and other postretirement benefits between public sector and private sector employees. When comparing the benefits, the commission shall select comparable job classifications and salary ranges. The study shall compare pension portability, initial monthly benefits, average annual benefit increases, employer and employee contribution rates, availability of early retirement incentives, administrative costs, and other factors as necessary to compare benefits.

APPROPRIATIONS
Available for the Year
Ending June 30
2000 2001

The legislative commission on pensions and retirement shall study and report to the legislature by January 15, 2000, on the benefits of changing the membership of the commission to include nonlegislators. In determining the new membership, the commission shall consider including representatives of both government and nongovernment employee organizations, pension fund experts with expertise in defined benefit and defined contribution pension plans, administrative services specialists, and others as necessary.

The legislative coordinating commission must implement a plan for scheduling house and senate floor sessions at the same time and having more joint committee meetings.

Sec. 3. GOVERNOR AND LIEUTENANT GOVERNOR	4,019,000	4,104,000
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Not later than September 30, 1999, the governor, in consultation with the commissioners of agriculture and trade and economic development, shall prepare and submit an application for federal permits as may be needed to authorize the growing of experimental and demonstration plots of industrial hemp. The governor shall also direct the commissioner of agriculture, in consultation with the commissioner of public safety and other appropriate commissioners, to establish standards and forms for persons wishing to register for growing experimental and demonstration plots of industrial hemp.

By September 1 each year, the commissioner of finance shall report to the chairs of the senate governmental operations budget division and the house state government finance division any personnel costs incurred by the office of the governor and lieutenant governor that were supported by appropriations to other agencies during the previous fiscal year. The office of the governor shall inform the chairs of the divisions before initiating any interagency agreements.

Sec. 4. STATE AUDITOR	9,124,000	9,462,000
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Sec. 5. STATE TREASURER	2,195,000	2,249,000
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Sec. 6. ATTORNEY GENERAL	27,862,000	27,265,000
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Summary by Fund

General	25,554,000	24,940,000
State Government		
Special Revenue	1,713,000	1,717,000
Environmental	135,000	138,000
Solid Waste	460,000	470,000

\$1,000,000 the first year is for the information technology initiative.

APPROPRIATIONS
 Available for the Year
 Ending June 30
 2000 2001

The attorney general and commissioner of finance shall continue to review the funding mechanism for legal services. By February 15, 2000, a report shall be submitted to the committees responsible for funding the office of the attorney general that details further refinements to the legal services funding mechanism. Some of the issues requiring further study include:

- (1) identifying criteria that differentiate between a partner and a pooled agency;
- (2) clarifying whether the attorney general, the agency, or both, is responsible for requesting funding for pooled agencies;
- (3) determining what process the billing rate should follow for implementation and of what it should be comprised;
- (4) developing a mechanism to ensure that legal service resources are allocated as intended by the legislature and a process to address situations where demand exceeds resources;
- (5) determining whether partner agencies should continue to have general fund dollars set aside in the attorney general base; and
- (6) determining what method is used to ascertain how much funding for legal services the attorney general has in its base for each agency.

Sec. 7. SECRETARY OF STATE	14,994,000	6,135,000
\$6,000,000 the first year is a one-time appropriation for computer projects. This appropriation may be spent only upon approval of the director of the office of technology.		
Sec. 8. CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD	501,000	514,000
Sec. 9. INVESTMENT BOARD	2,310,000	2,376,000
Sec. 10. ADMINISTRATIVE HEARINGS	6,664,000	6,859,000
This appropriation is from the workers' compensation special fund.		
Sec. 11. OFFICE OF STRATEGIC AND LONG-RANGE PLANNING	5,661,000	4,511,000
Subdivision 1. Land Inventory		
The director of the office of strategic and long-range planning must inventory all land owned by the state. The inventory must include the total acreage, when the state acquired each parcel, and the legal authority for acquiring each parcel. The director must report to the governor and the legislature by January 15, 2001.		

APPROPRIATIONS
Available for the Year
Ending June 30
2000 2001

Subd. 2. Program Evaluation

(a) \$100,000 each year is base funding for a program evaluation division. The program evaluation division will work real hard and shall scrutinize state government programs to identify duplication or poor coordination of effort and recommend ways to combine or organize services to be more effective and efficient and will:

(1) look at programs in a fiscally conservative and prudent manner and its letterhead shall state "Never forget it's the people's money";

(2) examine programs and determine what's necessary ... not necessarily what's "nice" to do;

(3) work to discover how to prevent future costs where possible. In conjunction with the department of finance, it will pay close attention to the future costs of policy and budget decisions and insist that projected budgets are balanced for four years;

(4) help to set a responsible budget, live within it, and settle up any actual surpluses with taxpayers at the end of the biennium;

(5) evaluate programs in tangible ways for real, cost-effective results and suggest ways to reform or eliminate programs if they are redundant or aren't producing desired results; and

(6) determine how to provide incentives for desirable behavior and evaluate proposals for competition, with a philosophy that it works and is even good in government.

(b) The division will report to the legislature by February 1, 2000, ways to reduce state government expenditures by five or ten percent.

Subd. 3. Feedlot

\$1,000,000 the first year is a one-time appropriation for the feedlot generic environmental impact statement.

Subd. 4. Planning grants

\$100,000 the first year is for a grant to the city of Mankato to complete the Mankato area growth management and planning study, phase 2. The appropriation is available until June 30, 2002. The appropriation must be matched by an in-kind donation of \$100,000 in administrative, technical, and higher educational internship support and supervision. The value of the in-kind donations must be determined by the commissioner of finance.

The city shall serve as fiscal agent to complete the study under the 1997 regional planning joint powers agreement among the cities of Mankato, North Mankato, and Eagle Lake; the counties of Nicollet and Blue Earth; and the towns of Mankato, South Bend, Lime, Decoria, and Belgrade, without limitation on the rights of

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the parties to that agreement to add or remove members. The study is intended as an alternative to community-based planning. The study is intended to develop information and analysis to provide guidance on such issues as:

- (1) the development of joint planning agreements to implement a unified growth management strategy;
- (2) joint service ventures, such as planning or zoning administration in urban fringe areas;
- (3) orderly growth and annexation agreements between cities and townships;
- (4) feedlot regulations in urban fringe areas and future growth corridors;
- (5) service strategies for unsewered subdivisions;
- (6) other joint ventures for city, county, and township service delivery in fringe areas;
- (7) feasibility of a rural township taxing district; and
- (8) alternatives to the current community-based planning legislation that would add flexibility and improve the planning process.

The city of Mankato shall report the results of the study to the legislature by January 15, 2002.

\$150,000 the first year is appropriated for three grants of \$50,000 each: one to the southwest regional development commission for the continuation of the pilot program; and two additional grants to regional development commissions or, in regions not served by regional development commissions, to regional organizations selected by the director, to support planning work on behalf of local units of government. The appropriation is available until June 30, 2001. The planning work shall include, but not be limited to:

- (1) development of local zoning ordinances;
- (2) land use plans;
- (3) community or economic development plans;
- (4) transportation and transit plans;
- (5) solid waste management plans;
- (6) wastewater management plans;
- (7) workforce development plans;

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\$5,447,000 the first year and \$5,460,000 the second year are for office space costs of the legislature and veterans organizations, for ceremonial space, and for statutorily free space.

During the biennium ending June 30, 2001, all increases over the fiscal year 1999 expenditures level for rent charged by the department of administration to state agencies for the use of state owned buildings must be used only for repair or maintenance of those buildings.

Subd. 5. Management Services

3,278,000	3,376,000
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Subd. 6. Fiscal Agent

737,000	430,000
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\$2,000 the first year and \$2,000 the second year are for the state employees' band.

\$153,000 each year is for the alliance with youth.

\$71,000 each year is for the developmental disabilities council.

\$210,000 the first year is for augmentive and alternative communications.

\$200,000 each year is for technology-related assistance for individuals with disabilities.

\$100,000 the first year is for a grant to the Minnesota fire service certification board to review the educational needs of firefighters and fire departments in the state and make recommendations to educational institutions, fire education providers, and the legislature.

Subd. 7. Public Broadcasting

2,492,000	2,378,000
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\$1,250,000 the first year and \$1,250,000 the second year are for matching grants for public television.

\$441,000 the first year and \$441,000 the second year are for grants for public information television transmission of legislative activities.

\$25,000 the first year and \$25,000 the second year are for grants to the Twin Cities regional cable channel.

\$113,000 the first year is for grants to noncommercial television stations to assist with conversion to a digital broadcast signal as mandated by the federal government. In order to qualify for these grants, a station must meet the criteria established for grants in Minnesota Statutes, section 129D.12, subdivision 2.

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\$430,000 the first year and \$430,000 the second year are for community service grants to public educational radio stations, which must be allocated after considering the recommendations of the Association of Minnesota Public Educational Radio Stations under Minnesota Statutes, section 129D.14. \$30,000 the first year and \$30,000 the second year of this appropriation may be allocated to WTIP-FM in Grand Marais, notwithstanding the requirements of Minnesota Statutes, section 129D.14.

\$233,000 the first year and \$232,000 the second year are for equipment grants to public educational radio stations which must be allocated after considering the recommendations of the Association of Minnesota Public Educational Radio Stations.

Sec. 13. OFFICE OF TECHNOLOGY

5,164,000

2,622,000

Summary by Fund

General	4,901,000	2,457,000
State Government		
Special Revenue	89,000	79,000
Workers'		
Compensation	174,000	86,000

The appropriation for the second year is contingent on the commissioner of administration, in consultation with the director of the office, submitting a plan to the legislature by January 15, 2000, for reorganization of the office.

\$1,500,000 of the general fund appropriation the first year is for small agency infrastructure and is available until June 30, 2001. The appropriations from the special revenue fund and the workers' compensation fund are for small agency infrastructure.

\$500,000 the first year is for completion of the one-stop business licensing project. This appropriation may not be used for licenses other than business licenses.

Sec. 14. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

301,000

304,000

The board must install on the sign labeling the 600 North Robert Street building a plaque identifying the department of revenue as an occupant of the building.

The capitol area architectural and planning board and the Minnesota historical society shall remove the existing Spanish-American war plaque currently displayed in the capitol rotunda and donate it to the Minnesota historical society.

Sec. 15. FINANCE

Subdivision 1. Total Appropriation

21,233,000

21,529,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

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Subd. 2. State Financial Management

7,788,000	7,958,000
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Subd. 3. Information and Management Services

13,445,000	13,571,000
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The commissioner shall work with the commissioners of employee relations and administration and shall develop a request for proposals to use a private vendor for the state payroll system. The request must allow for phased implementation by the vendor, and must allow for bids from vendors across the country. Any state or other governmental agency may submit a proposal. The commissioner shall cause the request to be issued by October 1, 1999. All documents related to the development of the request for proposal are public under Minnesota Statutes, chapter 13.

Subd. 4. Technology Budget Book

The department shall prepare a separate budget book for the biennium beginning July 1, 2001, containing all of the administration's technology initiatives. The book shall also include a complete inventory of state-owned and leased technology, along with a projected replacement schedule. The inventory shall include information on how the technology fits into the state's master plan.

Sec. 16. EMPLOYEE RELATIONS

Subdivision 1. Total Appropriation

	7,432,000	7,597,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Human Resources Management

7,362,000	7,527,000
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The commissioner must develop and implement a plan to recruit and retain minority employees in state government. As part of the recruitment plan, the commissioner must build connections with minority centers and with entities that work with minority persons looking for jobs or training. As part of the retention plan, the commissioner must work with minority state employees and minority former state employees: (1) to find out what barriers they encountered in seeking state employment; (2) to find out what problems these employees have encountered in their work; and (3) to develop a program to improve retention rates of minority employees.

\$48,000 the first year and \$40,000 the second year are for one-time grants to the government training service for ongoing operations, including technology upgrades.

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Subd. 3. Employee Insurance

	70,000	70,000
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The state employee assistance program must be funded entirely by assessing agencies and employers as authorized by Minnesota Statutes, section 43A.30, subdivision 5.

During the biennium ending June 30, 2001, the amount necessary to pay premiums for coverage by the workers' compensation reinsurance association under Minnesota Statutes, section 79.34, is appropriated from the general fund to the commissioner.

Sec. 17. REVENUE

Subdivision 1. Total Appropriation

87,532,000

89,412,000

Summary by Fund

General	83,410,000	85,214,000	
Health Care			
Access	1,692,000	1,721,000	
Highway User Tax			
Distribution	2,129,000	2,173,000	
Environmental	101,000	104,000	
Solid waste	200,000	200,000	

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Tax System Management

	85,046,000	86,855,000
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Summary by Fund

General	80,924,000	82,657,000	
Health Care			
Access	1,692,000	1,721,000	
Highway User			
Tax Distribution	2,129,000	2,173,000	
Environmental	101,000	104,000	
Solid Waste	200,000	200,000	

Subd. 3. Accounts Receivable Management

	2,486,000	2,557,000
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Subd. 4. Other Provisions

The building located in the capitol complex at 600 North Robert Street, St. Paul, is designated and named the Harold E. Stassen building.

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Sec. 18. MILITARY AFFAIRS

Subdivision 1. Total Appropriation	11,510,000	10,416,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Maintenance of Training Facilities

7,036,000	5,889,000
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\$1,250,000 the first year is a one-time appropriation.

Subd. 3. General Support

1,670,000	1,722,000
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\$50,000 each year is to assist in the operation and staffing of the Minnesota national guard youth camp at Camp Ripley. This appropriation is contingent on its being matched by money from other sources.

Subd. 4. Enlistment Incentives

2,729,000	2,730,000
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\$375,000 each year is a one-time appropriation.

Obligations for the reenlistment bonus program, suspended on December 31, 1991, shall be paid from the amounts available within the enlistment incentives program.

If appropriations for either year of the biennium are insufficient, the appropriation from the other year is available. The appropriations for enlistment incentives are available until expended.

Subd. 5. Emergency Services

75,000	75,000
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These appropriations are for expenses of military forces ordered to active duty under Minnesota Statutes, chapter 192. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 19. VETERANS AFFAIRS

	7,848,000	4,655,000
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\$232,000 the first year and \$232,000 the second year are for grants to county veterans offices for training of county veterans service officers.

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\$1,544,000 the first year and \$1,544,000 the second year are for emergency financial and medical needs of veterans. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

With the approval of the commissioner of finance, the commissioner of veterans affairs may transfer the unencumbered balance from the veterans relief program to other department programs during the fiscal year. Before the transfer, the commissioner of veterans affairs shall explain why the unencumbered balance exists. The amounts transferred must be identified to the chairs of the senate governmental operations budget committee and the house governmental operations committee division on state government finance.

\$275,000 the first year and \$275,000 the second year are for a grant to the Vinland National Center.

\$3,590,000 the first year is to make and administer bonus payments authorized under Minnesota Statutes, section 197.79. This appropriation is available until June 30, 2001. The unspent and unencumbered portion of the appropriations in Laws 1997, chapter 202, article 1, section 20, for bonus payments and administration under Minnesota Statutes, section 197.79, is canceled.

Of the amounts appropriated for the guardianship activity, \$128,000 the first year and \$129,000 the second year are one-time appropriations.

\$326,000 the second year is for a contribution towards a national World War II memorial. The appropriation is available until June 30, 2001, but may not be spent before October 1, 2000, and until the commissioner determines that the memorial will be built.

Sec. 20. VETERANS OF FOREIGN WARS	41,000	41,000
For carrying out the provisions of Laws 1945, chapter 455.		
Sec. 21. MILITARY ORDER OF THE PURPLE HEART	20,000	20,000
Sec. 22. DISABLED AMERICAN VETERANS	13,000	13,000
For carrying out the provisions of Laws 1941, chapter 425.		
Sec. 23. GAMBLING CONTROL	2,183,000	2,241,000
The commissioner of revenue must continue to provide technical support to the lawful gambling control board for the collection of gambling taxes without charge during the biennium ending June 30, 2001.		
Sec. 24. RACING COMMISSION	387,000	396,000

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Sec. 25. AMATEUR SPORTS COMMISSION	614,000	630,000
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The commission must develop a plan for becoming self-sufficient. The timeline for self-sufficiency must not exceed five years. The commission must report the plan to the chairs of the budget committees in the house and the senate by February 1, 2000.

Sec. 26. BOARD OF THE ARTS

Subdivision 1. Total Appropriation	13,058,000	13,083,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Operations and Services

983,000	1,008,000	
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By February 15, 2000, the board must compile, report to the legislature, and make readily available a listing of grants awarded with funds appropriated for fiscal years 1998 and 1999 by type and dollar amount, along with a measurement of impact for each grant. Impact measurements include, but are not limited to: (1) the number of patrons served; (2) a determination if the grant allowed the grantee to go forward; and (3) the extent the grantee was able to expand or otherwise improve the artistic experience offered the public.

The board must also compile and make available a historical record for every grantee that has received funds from the board. The list must be by grantee and identify all types of grants received each year.

Subd. 3. Grants Program

8,040,000	8,040,000	
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At least \$1,500,000 for the biennium is for arts in education.

Subd. 4. Regional Arts Councils

4,035,000	4,035,000	
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Sec. 27. MINNESOTA HUMANITIES COMMISSION	460,000	478,000
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The humanities commission must develop a plan for the selection of a Minnesota Poet Laureate. The commission must report the plan to the legislature by February 1, 2000.

Sec. 28. GENERAL CONTINGENT ACCOUNTS	600,000	600,000
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Summary by Fund

General	100,000	100,000
State Government		
Special Revenue	400,000	400,000
Workers'		
Compensation	100,000	100,000

Sec. 29. TORT CLAIMS	275,000	275,000
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To be spent by the commissioner of finance.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 30. MINNESOTA STATE RETIREMENT SYSTEM	3,998,000	4,014,000
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The amounts estimated to be needed for each program are as follows:

(a) Legislators

	3,800,000	3,800,000
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Under Minnesota Statutes, sections 3A.03, subdivision 2; 3A.04, subdivisions 3 and 4; and 3A.11.

(b) Constitutional Officers

	198,000	214,000
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Under Minnesota Statutes, sections 352C.031, subdivision 5; 352C.04, subdivision 3; and 352C.09, subdivision 2.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 31. MINNEAPOLIS EMPLOYEES RETIREMENT FUND	6,442,000	6,442,000
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\$5,892,000 the first year and \$5,892,000 the second year are to the commissioner of finance for payment to the Minneapolis employees retirement fund under Minnesota Statutes, section 422A.101, subdivision 3. Payment must be made in four equal installments, March 15, July 15, September 15, and November 15, each year.

\$550,000 the first year and \$550,000 the second year are to the commissioner of finance for payment to the Minneapolis employees retirement fund for the supplemental benefit for pre-1973 retirees under Minnesota Statutes, section 356.865.

Sec. 32. POLICE AND FIRE AMORTIZATION AID	6,295,000	6,303,000
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\$4,925,000 the first year and \$4,925,000 the second year are to the commissioner of revenue for state aid to amortize the unfunded liability of local police and salaried firefighters' relief associations, under Minnesota Statutes, section 423A.02.

\$1,000,000 the first year and \$1,000,000 the second year are to the commissioner of revenue for supplemental state aid to amortize the unfunded liability of local police and salaried firefighters' relief associations under Minnesota Statutes, section 423A.02, subdivision 1a.

\$370,000 the first year and \$378,000 the second year are to the commissioner of revenue to pay reimbursements to relief associations for firefighter supplemental benefits paid under Minnesota Statutes, section 424A.10.

Sec. 33. BOARD OF GOVERNMENT INNOVATION AND COOPERATION

149,000

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Sec. 34. COMPENSATION COUNCIL

The recommendations of the 1999 compensation council must not take effect unless approved by another law.

Sec. 35. [STATEWIDE SYSTEMS ACCOUNT.]

Subdivision 1. [CONTINUATION.] The statewide systems account is a separate account in the general fund. All money resulting from billings for statewide systems services must be deposited in the account. For the purposes of this section, statewide systems includes the state accounting system, payroll system, human resources system, procurement system, and related information access systems.

Subd. 2. [BILLING PROCEDURES.] The commissioner of finance may bill up to \$3,867,000 in fiscal year 2000 and \$3,867,000 in fiscal year 2001 for statewide systems services provided to state agencies, judicial branch agencies, the University of Minnesota, the Minnesota state colleges and universities, and other entities. Billing must be based only on usage of services relating to statewide systems provided by the intertechnologies division. Each agency shall transfer from agency operating appropriations to the statewide systems account the amount billed by the commissioner. Billing policies and procedures related to statewide systems services must be developed by the commissioner of finance in consultation with the commissioners of employee relations and administration, the University of Minnesota, and the Minnesota state colleges and universities.

Subd. 3. [APPROPRIATION.] Money transferred into the account is appropriated to the commissioner of finance to pay for statewide systems services during fiscal years 2000 and 2001.

ARTICLE 2

STATE GOVERNMENT OPERATIONS

Section 1. [3.226] [ACCOUNTING.]

The house of representatives, the senate, and joint legislative commissions and offices must use the state accounting system developed by the commissioner of finance under section 16A.15, subdivision 2, to account for each item of expenditure and for all revenues received.

Sec. 2. Minnesota Statutes 1998, section 3.3005, is amended by adding a subdivision to read:

Subd. 3a. [CHANGE IN PURPOSE.] If a request to spend federal money is included in a governor's budget request and approved according to subdivision 2a, but the purpose for which the money is to be used changes from the time of the request and approval, the amount may be allotted for expenditure after a revised request is submitted according to subdivision 2 or the requirements of subdivision 5 are met.

Sec. 3. Minnesota Statutes 1998, section 3.305, is amended by adding a subdivision to read:

Subd. 9. [PUBLIC INFORMATION.] The legislative coordinating commission shall establish an office to provide information to the public about the legislature, including legislative process and legislative proceedings, and to perform related duties as assigned by the commission.

Sec. 4. Minnesota Statutes 1998, section 3.305, is amended by adding a subdivision to read:

Subd. 10. [TELEVISION.] The legislative coordinating commission shall establish an office to provide for television production and transmission of legislative proceedings, and to perform related duties as assigned by the commission.

Sec. 5. Minnesota Statutes 1998, section 3.305, is amended by adding a subdivision to read:

Subd. 11. [ADMINISTRATIVE SERVICES.] The legislative coordinating commission shall provide administrative services to the entire legislative branch. These services include, but are not limited to, payroll, purchasing, information systems, and human resources.

Sec. 6. [3.3057] [INTERPRETER SERVICES.]

A state agency must pay for sign language interpreter services provided on behalf of its employees at legislative meetings.

Sec. 7. Minnesota Statutes 1998, section 3.85, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP.] The commission consists of ~~six~~ seven members of the senate appointed by the subcommittee on committees of the committee on rules and administration and ~~six~~ seven members of the house of representatives appointed by the speaker. Members shall be appointed at the commencement of each regular session of the legislature for a two-year term beginning January 16 of the first year of the regular session. Members who are still legislators continue to serve at the end of the two-year term until successors are appointed. Vacancies that occur while the legislature is in session shall be filled like regular appointments. If the legislature is not in session, senate vacancies shall be filled by the last subcommittee on committees of the senate committee on rules and administration or other appointing authority designated by the senate rules, and house vacancies shall be filled by the last speaker of the house, or if the speaker is not available, by the last chair of the house rules committee.

Sec. 8. Minnesota Statutes 1998, section 8.15, subdivision 1, is amended to read:

Subdivision 1. [FEE SCHEDULES.] The attorney general in consultation with the commissioner of finance shall develop a fee schedule to be used by the attorney general in developing the agreements authorized in subdivision 3. The attorney general must submit its billing rate for the next biennium to the commissioner of finance by August 1 of each even-numbered year.

The attorney general may not assess a county any fee for legal services rendered in connection with a commitment proceeding under section 253B.185 for which the attorney general assumes responsibility under section 8.01.

Sec. 9. Minnesota Statutes 1998, section 8.15, subdivision 2, is amended to read:

Subd. 2. [BIENNIAL BUDGET REQUEST.] (a) The attorney general in consultation with the commissioner of finance shall designate which agencies will have their legal service requests included in the budget request of the attorney general.

(b) All other agencies, in consultation with the attorney general and the commissioner of finance, shall include a request for legal services in their biennial budget requests.

(c) The budget request of the attorney general shall include a consolidated listing that shows on one page all the appropriations that will be used to support the office of the attorney general and the finance division from which they will be requested.

Sec. 10. Minnesota Statutes 1998, section 8.15, subdivision 3, is amended to read:

Subd. 3. [AGREEMENTS.] (a) To facilitate the delivery of legal services, the attorney general may:

(1) enter into agreements with executive branch agencies, political subdivisions, or quasi-state agencies to provide legal services for the benefit of the citizens of Minnesota; and

(2) in addition to funds otherwise appropriated by the legislature, accept and spend funds received under any agreement authorized in clause (1) for the purpose set forth in clause (1), subject to a report of receipts to the chairs of the senate finance committee and the house ways and means committee by October 15 each year.

(b) Funds received under this subdivision must be deposited in the general fund and are appropriated to the attorney general for the purposes set forth in this subdivision.

(c) When entering into an agreement for legal services, the attorney general must notify the committees responsible for funding the office of the attorney general. When the attorney general enters into an agreement with a state agency, the attorney general must also notify the committees responsible for funding that agency.

Sec. 11. Minnesota Statutes 1998, section 13.03, subdivision 2, is amended to read:

Subd. 2. [PROCEDURES.] (a) The responsible authority in every state agency, political subdivision, and statewide system shall establish procedures, consistent with this chapter, to insure that requests for government data are received and complied with in an appropriate and prompt manner.

(b) The responsible authority shall prepare public access procedures in written form and update them no later than August 1 of each year as necessary to reflect any changes in personnel or circumstances that might affect public access to government data. The responsible authority shall make copies of the written public access procedures easily available to the public by distributing free copies of the procedures to the public or by posting a copy of the procedures in a conspicuous place within the government entity that is easily accessible to the public.

(c) Full convenience and comprehensive accessibility shall be allowed to researchers including historians, genealogists and other scholars to carry out extensive research and complete copying of all records containing government data except as otherwise expressly provided by law.

A responsible authority may designate one or more designees.

Sec. 12. Minnesota Statutes 1998, section 13.05, is amended by adding a subdivision to read:

Subd. 11. [CONTRACT TERMS.] (a) If a government entity enters into a contract with a private person to perform any of its functions, the government entity shall include in the contract contractual terms that make it clear that all of the data created, collected, received, stored, used, maintained, or disseminated by the private person in performing those functions is subject to the requirements of this chapter and that the private person must comply with those requirements as if it were a government entity.

(b) This subdivision does not create a duty on the part of the private person to provide access to public data to the public if the public data are available from the government entity, except as required by the terms of the contract.

Sec. 13. Minnesota Statutes 1998, section 13.073, is amended by adding a subdivision to read:

Subd. 6. [PREPARATION OF MODEL POLICIES AND PROCEDURES.] The commissioner shall, in consultation with affected government entities, prepare model policies and procedures to assist government entities in complying with the requirements of this chapter that relate to public access to government data and rights of subjects of data. The commissioner shall provide assistance and guidance to government entities to enable them to protect the integrity of government data in electronic form from alteration, destruction, or unauthorized access to nonpublic government data. Upon completion of a model for a governmental level, the commissioner shall offer that model for formal adoption by that level of government. Government entities may adopt or reject the model offered by the commissioner. A government entity that adopts the commissioner's model shall notify the commissioner in a form prescribed by the commissioner. A government entity that chooses not to adopt the commissioner's model shall notify the commissioner and provide a copy of the policies and procedures prepared and used by that government entity.

Sec. 14. Minnesota Statutes 1998, section 15.0591, subdivision 2, is amended to read:

Subd. 2. [BODIES AFFECTED.] A member meeting the qualifications in subdivision 1 must be appointed to the following boards, commissions, advisory councils, task forces, or committees:

- (1) advisory council on battered women;
- (2) advisory task force on the use of state facilities;
- (3) alcohol and other drug abuse advisory council;
- (4) board of examiners for nursing home administrators;
- (5) board on aging;
- (6) chiropractic examiners board;
- (7) consumer advisory council on vocational rehabilitation;
- (8) council on disability;
- (9) council on affairs of Chicano/Latino people;
- (10) council on Black Minnesotans;
- (11) dentistry board;
- (12) department of economic security advisory council;
- (13) higher education services office;
- (14) housing finance agency;
- (15) Indian advisory council on chemical dependency;
- (16) medical practice board;

- (17) medical policy directional task force on mental health;
- (18) Minnesota employment and economic development task force;
- (19) ~~Minnesota office of citizenship and volunteer services advisory committee;~~
- ~~(20)~~ Minnesota state arts board;
- ~~(21)~~ (20) nursing board;
- ~~(22)~~ (21) optometry board;
- ~~(23)~~ (22) pharmacy board;
- ~~(24)~~ (23) physical therapists council;
- ~~(25)~~ (24) podiatry board;
- ~~(26)~~ (25) psychology board;
- ~~(27)~~ (26) veterans advisory committee.

Sec. 15. Minnesota Statutes 1998, section 15.50, subdivision 2, is amended to read:

Subd. 2. [CAPITOL AREA PLAN.] (a) The board shall prepare, prescribe, and from time to time, after a public hearing, amend a comprehensive use plan for the capitol area, called the area in this subdivision, which consists of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the center line of the Arch-Pennsylvania freeway and the center line of Marion Street, thence southerly along the center line of Marion Street extended to a point 50 feet south of the south line of Concordia Avenue, thence southeasterly along a line extending 50 feet from the south line of Concordia Avenue to a point 125 feet from the west line of John Ireland Boulevard, thence southwesterly along a line extending 125 feet from the west line of John Ireland Boulevard to the south line of Dayton Avenue, thence northeasterly from the south line of Dayton Avenue to the west line of John Ireland Boulevard, thence northeasterly to the center line of the intersection of Old Kellogg Boulevard and Summit Avenue, thence northeasterly along the center line of Summit Avenue to the ~~center line of the new West Kellogg Boulevard, thence southerly along the east line of the new West Kellogg Boulevard, to the center line of West Seventh Street, thence northeasterly along the center line of West Seventh Street to the center line of the Fifth Street ramp, thence northwesterly along the center line of the Fifth Street ramp to the south line of the right-of-way of the Fifth Street ramp, thence southeasterly along the right-of-way of the Fifth Street ramp to~~ east line of the right-of-way of Interstate Highway 35-E, thence northeasterly along the east line of the right-of-way of Interstate Highway 35-E to the south line of the right-of-way of Interstate Highway 94, thence easterly along the south line of the right-of-way of Interstate Highway 94 to the west line of St. Peter Street, thence southerly to the south line of Exchange Street, thence easterly along the south line of Exchange Street to the west line of Cedar Street, thence northerly along the west line of Cedar Street to the center line of Tenth Street, thence northeasterly along the center line of Tenth Street to the center line of Minnesota Street, thence northwesterly along the center line of Minnesota Street to the center line of Eleventh Street, thence northeasterly along the center line of Eleventh Street to the center line of Jackson Street, thence northwesterly along the center line of Jackson Street to the center line of the Arch-Pennsylvania freeway extended, thence westerly along the center line of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin. If construction of the labor interpretive center does not commence prior to December 31, 2000, at the site recommended by the board, the boundaries of the capitol area revert to their configuration as of 1992.

Under the comprehensive plan, or a portion of it, the board may regulate, by means of zoning rules adopted under the Administrative Procedure Act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. To protect and enhance the dignity, beauty, and architectural

integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty, and architectural integrity of the area. No person may undertake these construction activities as defined in the board's rules in the capitol area without first submitting construction plans to the board, obtaining a zoning permit from the board, and receiving a written certification from the board specifying that the person has complied with all design review procedures and standards. Violation of the zoning rules is a misdemeanor. The board may, at its option, proceed to abate any violation by injunction. The board and the city of Saint Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. The commissioner shall make studies and report the results to the board when it requests reports for its planning purpose.

(c) No public building, street, parking lot, or monument, or other construction may be built or altered on any public lands within the area unless the plans for the project conform to the comprehensive use plan as specified in paragraph (d) and to the requirement for competitive plans as specified in paragraph (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or the exterior or interior design of any proposed new public building the plans for which were secured by competition under paragraph (e) may be made without the prior consent of the board. The commissioner of administration shall consult with the board regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan must show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building areas, open spaces, monuments, and other memorials; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement may be made to public lands or buildings in the area without the written approval of the board.

(e) The board shall secure by competitions plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition that may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. A competition must be conducted under rules prescribed by the board and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected become the property of the state of Minnesota, and the board may award one or more premiums in each competition and may pay the costs and fees that may be required for its conduct. At the option of the board, plans for projects estimated to cost less than \$1,000,000 may be approved without competition provided the plans have been considered by the advisory committee described in paragraph (h). Plans for projects estimated to cost less than \$400,000 and for construction of streets need not be considered by the advisory committee if in conformity with the comprehensive plan.

(f) Notwithstanding paragraph (e), an architectural competition is not required for the design of any light rail transit station and alignment within the capitol area. The board and its advisory committee shall select a preliminary design for any transit station in the capitol area. Each stage of any station's design through working drawings must be reviewed by the board's advisory committee and approved by the board to ensure that the station's design is compatible with the comprehensive plan for the capitol area and the board's design criteria. The guideway and track design of any light rail transit alignment within the capitol area must also be reviewed by the board's advisory committee and approved by the board.

(g) Of the amount available for the light rail transit design, adequate funds must be available to the board for design framework studies and review of preliminary plans for light rail transit alignment and stations in the capitol area.

(h) The board may not adopt any plan under paragraph (e) unless it first receives the comments and criticism of an advisory committee of three persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. Members of the committee may not be contestants under paragraph (e). The comments and criticism must be a matter of public information. The committee shall advise the board on all architectural and planning matters. For that purpose, the committee must be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the data are developed or in the process of preparation, whether by the commissioner of administration, the commissioner of trade and economic development, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the board or not retained and engaged in any work or planning relating to the area, and a copy of any data prepared by any public employee or agency must be filed with the board promptly upon completion.

The board may employ stenographic or technical help that may be reasonable to assist the committee to perform its duties.

When so directed by the board, the committee may serve as, and any member or members of the committee may serve on, the jury or as professional advisor for any architectural competition, and the board shall select the architectural advisor and jurors for any competition with the advice of the committee.

The city of Saint Paul shall advise the board.

(i) The comprehensive plan for the area must be developed and maintained in close cooperation with the commissioner of trade and economic development, the planning department and the council for the city of Saint Paul, and the board of the arts, and no plan or amendment of a plan may be effective without 90 days' notice to the planning department of the city of Saint Paul and the board of the arts and without a public hearing with opportunity for public testimony.

(j) The board and the commissioner of administration, jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance, and cleanliness of the public and ceremonial areas of the state capitol building. The board shall consult with and receive advice from the director of the Minnesota state historical society regarding the historic fidelity of plans for the capitol building. The standards and policies developed under this paragraph are binding upon the commissioner of administration. The provisions of chapter 14, including section 14.386, do not apply to this paragraph.

(k) The board in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site development, and the commissioner of administration shall provide the necessary cost estimates for the program. The board shall report any changes to the comprehensive plan adopted by the board to the committee on governmental operations and gambling of the house of representatives and the committee on governmental operations and reform of the senate and upon request shall provide testimony concerning the changes. The board shall also provide testimony to the legislature on proposals for memorials in the capitol area as to their compatibility with the standards, policies, and objectives of the comprehensive plan.

(l) The state shall, by the attorney general upon the recommendation of the board and within appropriations available for that purpose, acquire by gift, purchase, or eminent domain proceedings any real property situated in the area described in this section, and it may also acquire an interest less than a fee simple interest in the property, if it finds that the property is needed for future expansion or beautification of the area.

(m) The board is the successor of the state veterans service building commission, and as such may adopt rules and may reenact the rules adopted by its predecessor under Laws 1945, chapter 315, and amendments to it.

(n) The board shall meet at the call of the chair and at such other times as it may prescribe.

(o) The commissioner of administration shall assign quarters in the state veterans service building to (1) the department of veterans affairs, of which a part that the commissioner of administration and commissioner of veterans affairs may mutually determine must be on the first floor above the ground, and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available, to other state departments and agencies as the commissioner may deem desirable.

Sec. 16. Minnesota Statutes 1998, section 16A.102, subdivision 1, is amended to read:

Subdivision 1. [GOVERNOR'S RECOMMENDATION.] ~~By the fourth Monday in January of each odd-numbered year; At the same time as the detailed operating budget specified in section 16A.11, subdivision 1, must be submitted to the legislature,~~ the governor shall also submit to the legislature a recommended revenue target for the next two bienniums. The recommended revenue target must specify:

(1) the maximum share of Minnesota personal income to be collected in taxes and other revenues to pay for state and local government services;

(2) the division of the share between state and local government revenues; and

(3) the mix and rates of income, sales, and other state and local taxes including property taxes and other revenues.

The recommendations must be based on the November forecast prepared under section 16A.103.

Sec. 17. Minnesota Statutes 1998, section 16A.103, subdivision 1, is amended to read:

Subdivision 1. [STATE REVENUE AND EXPENDITURES.] In February and November each year, the commissioner shall prepare a forecast of state revenue and expenditures. The November forecast must be delivered to the legislature and governor no later than the end of the first week of December. The February forecast must be delivered to the legislature and governor by the end of February. Forecasts must be delivered to the legislature and governor on the same day. If requested by the legislative commission on planning and fiscal policy, delivery to the legislature must include a presentation to the commission. The forecast must assume the continuation of current laws and reasonable estimates of projected growth in the national and state economies and affected populations. Revenue must be estimated for all sources provided for in current law. Expenditures must be estimated for all obligations imposed by law and those projected to occur as a result of inflation and variables outside the control of the legislature. In determining the rate of inflation, the application of inflation, the amount of state bonding as it affects debt service, and the other variables to be included in the expenditure part of the forecast, the commissioner must consult with the chair of the senate state government finance committee, the chair of the house committee on ways and means, and house and senate fiscal staff. In addition, the commissioner shall forecast Minnesota personal income for each of the years covered by the forecast and include these estimates in the forecast documents. A forecast prepared during the first fiscal year of a biennium must cover that biennium and the next biennium. A forecast prepared during the second fiscal year of a biennium must cover that biennium and the next two bienniums.

Sec. 18. Minnesota Statutes 1998, section 16A.11, is amended by adding a subdivision to read:

Subd. 7. [FEES.] The detailed operating budget for each executive branch agency must include proposals for any new fees or any increases in existing fees. For purposes of this section, "fees" has the meaning given in section 16A.1283, but excludes charges listed in paragraph (b) of that section.

Sec. 19. [16A.1283] [LEGISLATIVE APPROVAL REQUIRED.]

(a) Notwithstanding any law to the contrary, an executive branch state agency may not impose a new fee or increase an existing fee unless the new fee or increase is approved by law. For purposes of this section, a fee is any charge for goods, services, regulation, or licensure, and, notwithstanding paragraph (b), clause (3), includes charges for admission to or for use of public facilities owned by the state.

(b) This section does not apply to:

(1) charges billed within or between state agencies, or billed to federal agencies;

(2) the Minnesota state colleges and universities system;

(3) charges for goods and services provided for the direct and primary use of a private individual, business, or other entity.

(c) An executive branch agency may reduce a fee that was set by rule before the effective date of this section without legislative approval. Chapter 14 does not apply to fee reductions under this paragraph.

Sec. 20. [16A.287] [UNDESIGNATED APPROPRIATIONS.]

If a bill makes an appropriation directly to an entity other than an agency of state government, the commissioner of finance shall administer that appropriation. The entity to which the appropriation is made must make a request to the commissioner of finance for release of the funds. For purposes of this section, an agency of state government includes constitutional officers, the court, the legislature, the board of regents of the University of Minnesota, and the Minnesota historical society.

Sec. 21. Minnesota Statutes 1998, section 16A.45, subdivision 1, is amended to read:

Subdivision 1. [CANCEL; CREDIT.] Once each fiscal year the commissioner and the treasurer shall cancel upon their books all outstanding unpaid commissioner's warrants, except warrants issued for federal assistance programs, that have been issued and delivered for more than six months prior to that date and credit to the general fund the respective amounts of the canceled warrants on or before June 30 of the preceding year and credit state amounts subject to the provisions of section 345.43 and federal amounts to the appropriate account in the federal fund. These warrants are presumed abandoned under section 345.38 and are subject to the provisions of sections 345.31 to 345.60. The commissioner and the treasurer shall cancel upon their books all outstanding unpaid commissioner's warrants issued for federal assistance programs that have been issued and delivered for more than the period of time set pursuant to the federal program and credit to the general fund and the appropriate account in the federal fund; the amount of the canceled warrants.

Sec. 22. [16A.86] [CAPITAL PROJECT GRANTS TO POLITICAL SUBDIVISIONS.]

Subdivision 1. [PROJECTS COVERED.] The capital improvement projects covered by this section are only those not covered by another state program of assistance to political subdivisions.

Subd. 2. [BUDGET REQUEST.] A political subdivision that requests an appropriation of state general funds or state general obligation bond proceeds for a local capital improvement project is encouraged to submit the request to the commissioner of finance by June 1 of an odd-numbered year to ensure its full consideration. The request must be submitted in the form and with the supporting documentation required by the commissioner of finance. All requests timely received by the commissioner must be forwarded to the legislature, along with agency requests, by the deadline established in section 16A.11, subdivision 1.

Subd. 3. [EVALUATION.] (a) The commissioner shall evaluate all requests from political subdivisions for state assistance based on the following criteria:

(1) the political subdivision has provided for local, private, and user financing for the project to the maximum extent possible;

(2) the project helps fulfill an important state mission;

(3) the project is of regional or statewide significance;

(4) the project will not require new or any additional state operating subsidies;

(5) the project will not expand the state's role in a new policy area;

(6) state funding for the project will not create significant inequities among local jurisdictions;

(7) the political subdivision has presented a credible plan for how ongoing maintenance of the project will be funded over its estimated life;

(8) the project will not compete with other facilities in such a manner that they lose a significant number of users to the new project; and

(9) the governing bodies of those political subdivisions primarily benefiting from the project have passed resolutions in support of the project.

(b) The commissioner's evaluation of each request, including whether it meets each of the criteria in paragraph (a), must be submitted to the legislature along with the governor's recommendations under section 16A.11, subdivision 1, whether or not the governor recommends that the request be funded.

Subd. 4. [FUNDING.] (a) If a project covered by this section is funded, the amount of funding must be no more than half the total cost of the project, including predesign, design, construction, furnishings, and equipment.

(b) Notwithstanding paragraph (a), greater than 50 percent funding of projects that are deemed needed as a result of a disaster or to prevent a disaster, or that meet the criteria in subdivision 3, paragraph (a), but are located in political subdivisions with very low average net tax capacities is permitted.

(c) Nothing in this section shall prevent the governor from recommending, or the legislature from funding, projects which do not meet the criteria in subdivision 3 or 4 when the governor or the legislature determines that there is a compelling reason for the recommendation or funding.

Sec. 23. Minnesota Statutes 1998, section 16B.31, subdivision 2, is amended to read:

Subd. 2. [APPROPRIATIONS.] Plans must be paid for out of money appropriated for the purpose of improving or constructing the building. No part of the balance may be expended until the commissioner has secured suitable plans and specifications, prepared by a competent architect or engineer, and accompanied by a detailed statement of the cost, quality, and description of all material and labor required for the completion of the work. No plan may be adopted, and no improvement made or building constructed by the commissioner or any other agency to whom an appropriation is made for a capital improvement, that contemplates the expenditure for its completion of more money than the appropriation for it, unless otherwise provided in this section or the act making the appropriation. The commissioner may not direct or permit any expenditure beyond that appropriated, and any agent of the commissioner violating this provision is guilty of a gross misdemeanor.

Sec. 24. Minnesota Statutes 1998, section 16B.415, is amended to read:

16B.415 [OPERATION OF INFORMATION SYSTEMS.]

The commissioner, through a division of technology management, is responsible for ongoing operations of state agency information technology activities. These include records management, activities relating to the Government Data Practices Act, ~~operation of administering~~ the state information infrastructure, and activities necessary to make state information systems year 2000 compliant.

Sec. 25. Minnesota Statutes 1998, section 16B.46, is amended to read:

16B.46 [TELECOMMUNICATION; POWERS.]

The commissioner shall supervise and control the leasing of all state telecommunication ~~facilities~~ services including any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems. Nothing in this section or section 16B.465

modifies, amends, or abridges any powers and duties presently vested in or imposed upon the commissioner of transportation or the commissioner of public safety relating to telecommunications facilities or the commissioner of transportation relating only to radio air navigation facilities or other air navigation facilities.

Sec. 26. Minnesota Statutes 1998, section 16B.465, is amended to read:

16B.465 [STATE INFORMATION INFRASTRUCTURE.]

Subdivision 1. [PURPOSE.] (a) The state of Minnesota and its departments and agencies are urged to seek ways to encourage the growth of the private sector in the area of telecommunications and not pursue policies that restrict market opportunities for the private sector. The state may provide only those telecommunication services that are not available through the private sector.

(b) This section does not preclude the state from purchasing, owning, or leasing customer premises equipment. Customer premises equipment consists of terminal and associated equipment and inside wire located at an end user's premises and connected with communication channels at the point established in a building or a complex to separate customer equipment from the network. Customer premises equipment also includes, but is not limited to communications devices eligible for distribution to communication impaired persons under section 237.51, subdivision 1.

(c) This section does not prohibit the state from operating and staffing a network operations center that allows the state to test, troubleshoot and maintain network operations.

Subdivision 1. Subd. 1a. [CREATION.] The state information infrastructure provides shall arrange for the provision of leased voice, data, video, and other telecommunications transmission services to state agencies; educational institutions, including public schools as defined in section 120A.05, subdivisions 9, 11, 13, and 17, nonpublic, church or religious organization schools that provide instruction in compliance with sections 120A.22, 120A.24, and 124A.41, and private colleges; public corporations; and state political subdivisions. It is not a telephone company for purposes of chapter 237. The state shall not purchase, own, or lease any telecommunication network facilities or equipment unless the state has sought bids or proposals and has determined that the private sector cannot provide the services as bid or proposed by the state using the facilities or equipment in a cost-effective manner. It shall not resell or sublease any services or facilities to nonpublic entities except it may serve private schools and colleges. The commissioner has the responsibility for planning, development, and operations of the state information infrastructure in order to provide cost-effective leased telecommunications transmission services to state information infrastructure users. For purposes of this section, "state information infrastructure" means the network facilities and telecommunications services provided by the state or through contracts administered by the commissioner.

Subd. 3. [DUTIES.] (a) The commissioner, after consultation with the office of technology, shall:

(1) ~~provide~~ negotiate, enter into, and administer contracts for voice, data, video, and other leased telecommunications ~~transmission~~ services to the state and to political subdivisions through an account in the intertechnologies revolving fund;

(2) manage vendor relationships, ~~network function~~, and capacity planning in order to be responsive to the needs of the state information infrastructure users;

(3) set rates and fees for services;

(4) approve contracts for leased services relating to the system;

(5) in consultation with the office of technology, develop ~~the system~~ a plan, ~~including plans~~ for the phasing of its ~~implementation and maintenance of the initial system~~ out the provision of telecommunications services and network operations, except as provided in paragraph (b), and for the annual program and fiscal plans for the leased system; and

(6) in consultation with the office of technology, and the department of children, families, and learning in regard to schools, assist state agencies, political subdivisions of the state, and higher education institutions, including private colleges and public and private schools, to identify their telecommunication needs, and develop a plan plans for interconnection of the provision of leased telecommunications services and equipment to ensure the integration of these needs into an interoperable statewide network with private colleges and public and private schools in the state.

(b) The commissioner may purchase, own, operate, or lease telecommunication network facilities or equipment if the commissioner has sought bids or proposals and has determined that the private sector cannot provide services that the state intends to provide using the facilities or equipment in a cost-effective manner.

(c) The commissioner, in consultation with the office of technology and the department of children, families, and learning in regard to schools, when requested, may assist state agencies, political subdivisions of the state, and higher education institutions, including private colleges and public and private schools, in identifying, purchasing, or leasing their customer premises equipment.

Subd. 4. [PROGRAM PARTICIPATION.] (a) The commissioner may require the participation secure bids or proposals for services from private sector vendors to serve the needs of state agencies, the state board of education, and the board of trustees of the Minnesota state colleges and universities, and may request the participation of the board of regents of the University of Minnesota, in the planning and implementation of the network to provide interconnective technologies. Alternatively, those entities may seek bids or proposals for services directly from private sector vendors with the advice of the commissioner. The commissioner's advice is not binding on these entities.

Subd. 4a. [RATES.] The commissioner shall establish reimbursement rates in cooperation with the commissioner of finance to be billed to participating agencies and educational institutions sufficient to cover the operating, maintenance, and administrative costs of the system leased services.

(b) A direct appropriation made to an educational institution for usage costs associated with the state information infrastructure must only be used by the educational institution for payment of usage costs of the network as billed by the commissioner of administration.

Subd. 6. [APPROPRIATION.] Money appropriated for the state information infrastructure and fees for leased telecommunications services must be deposited in an account in the intertechnologies fund. Money in the account is appropriated annually to the commissioner to operate telecommunications services carry out the purposes of this section.

Subd. 7. [EXEMPTION.] The system is exempt from the five-year limitation on contracts set by sections 16C.05, subdivision 2, paragraph (a), clause (5), 16C.08, subdivision 3, clause (7), and 16C.09, clause (6).

Sec. 27. Minnesota Statutes 1998, section 16B.58, is amended by adding a subdivision to read:

Subd. 6a. [PARKING RESTRICTIONS.] Notwithstanding subdivision 6:

- (1) parking is prohibited on the terraces adjacent to the carriage entrance on the south side of the capitol building;
- (2) the ten parking spaces on Aurora Avenue closest to the main entrance of the capitol building must be reserved for parking by physically disabled persons displaying a certificate issued under section 169.345; and
- (3) the remainder of the parking spaces on Aurora Avenue must be reserved for the general public during legislative sessions.

Sec. 28. [16C.065] [COST-BENEFIT ANALYSIS.]

(a) The commissioner or an agency official to whom the commissioner has delegated duties under section 16C.03, subdivision 16, may not approve a contract or purchase of goods or services in an amount greater than \$5,000,000 unless a cost-benefit analysis has been completed and shows a positive benefit to the public. The management analysis division must perform or direct the performance of the analysis. A cost-benefit analysis must be performed for a project if an aggregation of contracts or purchases for a project exceeds \$5,000,000.

(b) All cost-benefit analysis documents under this section, including preliminary drafts and notes, are public data.

(c) If a cost-benefit analysis does not show a positive benefit to the public, the governor may approve a contract or purchase of goods or services if a cost-effectiveness study had been done that shows the proposed project is the most effective way to provide a necessary public good.

(d) This section applies to contracts for goods or services that are expected to have a useful life of more than three years. This section does not apply for purchase of goods or services for response to a natural disaster if an emergency has been declared by the governor.

Sec. 29. Minnesota Statutes 1998, section 16C.16, is amended by adding a subdivision to read:

Subd. 13. [TIME LIMIT.] No business may receive a preference under this section for more than an aggregate of five years beginning with the first certification of eligibility under the program. If a business changes ownership, or otherwise changes its identity, and has received a preference for an aggregate of five years, it may not receive a subsequent preference if the person holding a controlling interest remains the same.

Sec. 30. [16D.18] [AGENCY REFERRALS.]

When a debt owed to any entity of state government for which the Minnesota collection enterprise has jurisdiction becomes 121 days past due, the state entity must refer the account to the commissioner of revenue for assignment to the Minnesota collection enterprise. This requirement does not apply if there is a dispute over the amount or validity of the debt, if the debt is the subject of legal action or administrative proceedings, or the agency determines that the debtor is adhering to acceptable payment arrangements. The commissioner of revenue, in consultation with the commissioner of finance, may provide that certain types of debt need not be referred to the commissioner for assignment to the collection enterprise under this paragraph. Methods and procedures for referral shall follow internal guidelines prepared by the commissioner of finance.

Sec. 31. Minnesota Statutes 1998, section 43A.04, is amended by adding a subdivision to read:

Subd. 12. [TOTAL COMPENSATION REPORTING.] (a) The commissioner, in consultation with the commissioner of finance, shall report to the governor and the legislature by January 15 each year on executive branch employee salary and benefits. The purpose of the report is to assist in effective long-range planning and to provide data necessary to compute annual and biennial costs related to the state workforce. The report must use data available in the biennial budget system and other necessary sources. The report also must be made available to the public in an electronic format.

(b) The report must be organized by agency. For each employee during the previous fiscal year the report must:

(1) list each employee by position number, but not by name;

(2) list the total amount the state spent, by fund, for the employee's salary and total compensation, including social security contributions, insurance, and all other benefits and related costs;

(3) list the employee's length of state service; and

(4) list the total estimated compensation for the employee's career, assuming the employee works until the normal retirement age.

Sec. 32. [43A.215] [EMPLOYEE ASSISTANCE.]

The commissioner must provide an employee assistance program of training, diagnostic assistance, and referral services for state employees and their dependents.

Sec. 33. Minnesota Statutes 1998, section 119A.05, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY FOR FUNDING CONSOLIDATION.] Notwithstanding existing law governing allocation of funds by local grantees, mode of service delivery, grantee planning and reporting requirements, and other procedural requirements for the grant programs identified in this section, a local grantee may elect to consolidate all or a portion of funding received from the programs under subdivision 5 in a collaboration funding plan, if all conditions specified in this section are satisfied. County boards, school boards, or governing boards of other grantees may elect not to consolidate funding for a program.

For grantees electing consolidation, the commissioner may, ~~with the approval of the board of government innovation and cooperation,~~ waive all provisions of rules inconsistent with the intent of this section. This waiver authority does not apply to rules governing client protections, due process, or inclusion of clients, parents, cultures, and ethnicities in decision making. Funding to a local grantee must be determined according to the funding formulas or allocation rules governing the individual programs listed in section 119A.04.

Sec. 34. Minnesota Statutes 1998, section 128C.02, is amended by adding a subdivision to read:

Subd. 3a. [PARTICIPATION IN EXHIBITIONS.] Minnesota amateur sports commission exhibitions in which high school students participate individually or as members of a team do not qualify as games, contests, or other extracurricular activities for state high school league purposes under this chapter.

Sec. 35. Minnesota Statutes 1998, section 136F.581, subdivision 3, is amended to read:

Subd. 3. [PROCUREMENT FROM DESIGNATED BUSINESSES.] The policies and procedures must include provisions for procurement, including construction, from small targeted group businesses and businesses from economically disadvantaged areas designated under section 16C.16. The board, colleges, and universities shall use the methods contained in section 471.345, subdivision 8, for such purchasing, or may develop additional methods in which the cost percentage preferences are consistent with the provision of section 16C.16, subdivisions 6, paragraph (a), and 7, or consistent with the provisions of the University of Minnesota's targeted group business purchasing program. The time limit for preferences is as described in section 16C.16, subdivision 13.

Sec. 36. Minnesota Statutes 1998, section 136F.66, is amended to read:

136F.66 [CAPITAL PROJECTS BIDDING PROCEDURES.]

In awarding contracts for capital projects under section 136F.64, the board shall consider the documentation provided by the bidders regarding their qualifications, including evidence of having successfully completed similar work, or delivering services or products comparable to that being requested. The board shall set procedures to administer this section, which must include practices that will assist in the economic development of small businesses, small targeted group businesses, and businesses in economically disadvantaged areas designated under section 16C.16. The time limit for preferences awarded pursuant to those procedures is as described in section 16C.16, subdivision 13.

Sec. 37. Minnesota Statutes 1998, section 138.17, subdivision 7, is amended to read:

Subd. 7. [RECORDS MANAGEMENT PROGRAM.] A records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of official records shall be administered by the commissioner of administration with assistance from the director of the historical society. The state records center which stores and services state records not in state archives

shall be administered by the commissioner of administration. The commissioner of administration is empowered to (1) establish standards, procedures, and techniques for effective management of government records, (2) make continuing surveys of paper work operations, and (3) recommend improvements in current records management practices including the use of space, equipment, and supplies employed in creating, maintaining, preserving and disposing of government records. It shall be the duty of the head of each state agency and the governing body of each county, municipality, and other subdivision of government to cooperate with the commissioner in conducting surveys and to establish and maintain an active, continuing program for the economical and efficient management of the records of each agency, county, municipality, or other subdivision of government. When requested by the commissioner, public officials shall assist in the preparation of an inclusive inventory of records in their custody, to which shall be attached a schedule, approved by the head of the governmental unit or agency having custody of the records and the commissioner, establishing a time period for the retention or disposal of each series of records. When the schedule is unanimously approved by the records disposition panel, the head of the governmental unit or agency having custody of the records may dispose of the type of records listed in the schedule at a time and in a manner prescribed in the schedule for particular records which were created after the approval. A list of records disposed of pursuant to this subdivision shall be forwarded to the commissioner and the archivist by the head of the governmental unit or agency. The archivist shall maintain a list of all records destroyed.

Sec. 38. Minnesota Statutes 1998, section 138.17, subdivision 8, is amended to read:

Subd. 8. [EMERGENCY RECORDS PRESERVATION.] In light of the danger of nuclear or natural disaster, the commissioner of administration, with the assistance of the director of the historical society, shall establish and maintain a program for the selection and preservation of public records considered essential to the operation of government and to the protection of the rights and interests of persons, and shall make or cause to be made preservation duplicates or designate as preservation duplicates existing copies of such essential public records. Preservation duplicates shall be durable, accurate, complete, and clear, and such duplicates reproduced by photographic or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. A transcript, exemplification, or certified copy of such preservation duplicate shall be deemed for all purposes to be a transcript, exemplification, or certified copy of the original record. Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the commissioner.

Every county, municipality, or other subdivision of government may institute a program for the preservation of necessary documents essential to the continuity of government. Such a program shall first be submitted to the commissioner for approval or disapproval and no such program shall be instituted until such approval is obtained.

Sec. 39. Minnesota Statutes 1998, section 197.79, subdivision 10, is amended to read:

Subd. 10. [DEADLINE FOR APPLICATIONS.] The application period for the bonus program established in this section shall be November 1, 1997, to June 30, ~~1999~~ 2001. The department may not receive or accept new applications after June 30, ~~1999~~ 2001.

Sec. 40. Minnesota Statutes 1998, section 202A.18, is amended by adding a subdivision to read:

Subd. 2a. [PREFERENCE BALLOT.] Prior to the opening of nominations for the election of permanent offices and delegates, a ballot must be distributed to permit caucus participants to indicate their preference for the offices of president of the United States or governor. The results of preference voting must be reported to the secretary of state immediately upon conclusion of the voting, in the manner provided by the secretary of state. The secretary of state shall provide the appropriate forms to the party for reporting the results.

Sec. 41. Minnesota Statutes 1998, section 202A.20, subdivision 2, is amended to read:

Subd. 2. [REPORTING CAUCUS RESULTS.] The secretary of state ~~may provide a method for the timely reporting of caucus results to the public~~ shall promptly report to the public the results of preference balloting at the precinct caucuses.

Sec. 42. Minnesota Statutes 1998, section 256.9753, subdivision 3, is amended to read:

Subd. 3. [EXPENDITURES.] ~~The board shall consult with the office of citizenship and volunteer services prior to expending money available for the retired senior volunteer programs.~~ Expenditures shall be made (1) to strengthen and expand existing retired senior volunteer programs, and (2) to encourage the development of new programs in areas in the state where these programs do not exist. Grants shall be made consistent with applicable federal guidelines.

Sec. 43. Minnesota Statutes 1998, section 297F.08, is amended by adding a subdivision to read:

Subd. 8a. [REVOLVING ACCOUNT.] A heat-applied cigarette tax stamp revolving account is created. The commissioner shall use the amounts in this fund to purchase heat-applied stamps for resale. The commissioner shall charge distributors for the tax value of the stamps they receive along with the commissioner's cost to purchase the stamps and ship them to the distributor. The stamp purchase and shipping costs recovered must be deposited into the revolving account and are available to the commissioner for further purchases and shipping costs. The revolving account is initially funded by a \$40,000 transfer from the department of revenue.

Sec. 44. Minnesota Statutes 1998, section 349.163, subdivision 4, is amended to read:

Subd. 4. [INSPECTION OF MANUFACTURERS.] Employees of the board and the division of alcohol and gambling enforcement may inspect the books, records, inventory, and business premises of a licensed manufacturer without notice during the normal business hours of the manufacturer. The board may charge a manufacturer for the actual cost of conducting scheduled or unscheduled inspections of the manufacturer's facilities, where the amount charged to the manufacturer for such inspections in any year does not exceed \$7,500. The board shall deposit in a separate account in the state treasury all money received as reimbursement for the costs of inspections. ~~Until July 1, 1999,~~ Money in the account is appropriated to the board to pay the costs of the inspections.

Sec. 45. Minnesota Statutes 1998, section 356.219, subdivision 7, is amended to read:

Subd. 7. [EXPENSE OF REPORT.] All expenses incurred relating to the investment report by the state auditor described in subdivision 6 must be ~~borne by the office of the state auditor and may not be charged back to the entities described in subdivisions 1 or 4~~ recovered by reductions to pension-related state aids otherwise payable to local units of government or public pension funds. The reductions to scheduled aid payments must be on a proportional basis. Fifty percent of the assessment must be on the basis of the proportion the number of all funds reporting under subdivision 6, and 50 percent on the basis of assets distributed against the market value of plan assets at the close of the report year expressed as a percentage of total assets for local pension funds included in the investment report under subdivision 6. The state auditor must annually certify to the commissioner of revenue and the commissioner of finance the amounts of these reductions, and the commissioners shall effect the reductions accordingly.

Sec. 46. Minnesota Statutes 1998, section 383A.322, is amended to read:

383A.322 [SMALL BUSINESS SET-ASIDE.]

Nothing in section 471.345 shall be construed to prohibit Ramsey county from adopting a resolution, rule, regulation or ordinance which on an annual basis sets aside for awarding to small businesses a percentage of the value of the county's anticipated total procurement of goods and services, including construction, otherwise subject to that section, and which uses either a negotiated price or bid contract procedure to award a procurement contract under a set-aside program allowed in this section. A set-aside program is governed by the time limits in section 16C.16, subdivision 13. Any award based on a negotiated price shall not exceed by more than five percent the county's estimated price for the goods and services if they were purchased in the open market and not under the set-aside program.

Sec. 47. Minnesota Statutes 1998, section 465.803, subdivision 3, is amended to read:

Subd. 3. [USE OF REPAYMENT REVENUE.] All grant money repaid to the board under this section ~~is appropriated to the board for additional grants authorized by sections 465.798, 465.799, and 465.801~~ must be deposited in the general fund.

Sec. 48. Minnesota Statutes 1998, section 465.81, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in sections 465.81 to 465.87, the words defined in this subdivision have the meanings given them in this subdivision.

"Board" means the board of government innovation and cooperation.

"City" means home rule charter or statutory cities.

"Governing body" means, in the case of a county, the county board; in the case of a city, the city council; and, in the case of a town, the town board.

"Local government unit" or "unit" includes counties, cities, and towns.

Sec. 49. Minnesota Statutes 1998, section 465.82, subdivision 1, is amended to read:

Subdivision 1. [ADOPTION AND STATE AGENCY REVIEW.] Each governing body that proposes to take part in a combination under sections 465.81 to 465.87 must by resolution adopt a plan for cooperation and combination. The plan must address each item in this section. The plan must be specific for any item that will occur within three years and may be general or set forth alternative proposals for an item that will occur more than three years in the future. ~~The plan must be submitted to the board of government innovation and cooperation for review and comment.~~ For a metropolitan area local government unit, the plan must also be submitted to the metropolitan council for review and comment. The council may point out any resources or technical assistance it may be able to provide a governing body submitting a plan under this subdivision. Significant modifications and specific resolutions of items must be submitted to the ~~board and~~ council, if appropriate, for review and comment. In the official newspaper of each local government unit proposing to take part in the combination, the governing body shall publish at least a summary of the adopted plans, each significant modification and resolution of items, and, if appropriate, the results of ~~each board and~~ council review and comment. If a territory of a unit is to be apportioned between or among two or more units contiguous to the unit that is to be apportioned, the plan must specify the area that will become a part of each remaining unit.

Sec. 50. Minnesota Statutes 1998, section 465.84, is amended to read:

465.84 [REFERENDUM.]

During the first or second year of cooperation, ~~and after approval of the plan by the board under section 465.83,~~ a referendum on the question of combination must be conducted. The referendum must be on a date called by the governing bodies of the units that propose to combine. The referendum must be conducted according to the Minnesota Election Law, as defined in section 200.01. If the referendum fails, the same question or a modified question may be submitted the following year. If the referendum fails again, the same question may not be submitted. Referendums shall be conducted on the same date in all local government units.

Sec. 51. Minnesota Statutes 1998, section 471.345, subdivision 8, is amended to read:

Subd. 8. [PROCUREMENT FROM ECONOMICALLY DISADVANTAGED PERSONS.] For purposes of this subdivision, the following terms shall have the meanings herein ascribed to them:

(a) "Small targeted group business" means businesses designated under section 16C.16.

(b) "Business entity" means an entity organized for profit, including an individual, partnership, corporation, joint venture, association, or cooperative.

Nothing in this section shall be construed to prohibit any municipality from adopting a resolution, rule, regulation, or ordinance which on an annual basis designates and sets aside for awarding to small targeted group businesses a percentage of the value of its anticipated total procurement of goods and services, including construction, and which uses either a negotiated price or bid contract procedure in the awarding of a procurement contract under a set-aside program as allowed in this subdivision, provided that any award based on a negotiated price shall not exceed by more than five percent the municipality's estimated price for the goods and services if they were purchased on the open market and not under the set-aside program. A set-aside program is governed by the time limits in section 16C.16, subdivision 13.

Sec. 52. Minnesota Statutes 1998, section 572A.02, subdivision 5, is amended to read:

Subd. 5. [DECISION FACTORS.] ~~In comprehensive planning disputes, the arbitration panel shall consider the goals stated in section 4A.08 and the following factors in making a decision. In all other disputes brought under this section, the arbitration panel shall consider the following factors in making a decision:~~

(1) present population and number of households, past population, and projected population growth of the subject area and adjacent units of local government;

(2) quantity of land within the subject area and adjacent units of local government; and natural terrain including recognizable physical features, general topography, major watersheds, soil conditions, and such natural features as rivers, lakes, and major bluffs;

(3) degree of contiguity of the boundaries between the municipality and the subject area;

(4) present pattern of physical development, planning, and intended land uses in the subject area and the municipality including residential, industrial, commercial, agricultural, and institutional land uses and the impact of the proposed action on those land uses;

(5) the present transportation network and potential transportation issues, including proposed highway development;

(6) land use controls and planning presently being utilized in the municipality and the subject area, including comprehensive plans for development in the area and plans and policies of the metropolitan council, and whether there are inconsistencies between proposed development and existing land use controls and the reasons therefore;

(7) existing levels of governmental services being provided in the municipality and the subject area, including water and sewer service, fire rating and protection, law enforcement, street improvements and maintenance, administrative services, and recreational facilities and the impact of the proposed action on the delivery of said services;

(8) existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems;

(9) plans and programs by the municipality for providing needed governmental services to the subject area;

(10) an analysis of the fiscal impact on the municipality, the subject area, and adjacent units of local government, including net tax capacity and the present bonded indebtedness, and the local tax rates of the county, school district, and township;

(11) relationship and effect of the proposed action on affected and adjacent school districts and communities;

(12) adequacy of town government to deliver services to the subject area;

(13) analysis of whether necessary governmental services can best be provided through the proposed action or another type of boundary adjustment; and

(14) if only a part of a township is annexed, the ability of the remainder of the township to continue or the feasibility of it being incorporated separately or being annexed to another municipality.

Any party to the proceeding may present evidence and testimony on any of the above factors at the hearing on the matter.

Sec. 53. Laws 1995, First Special Session chapter 3, article 12, section 10, is amended to read:

Sec. 10. [ELECTRONIC COST REDUCTION.]

The commissioner of education shall identify methods to reduce the costs of Internet access for school districts. The commissioner shall work in conjunction with ~~MN~~ the state information infrastructure, the department of administration, and the telecommunication industry to provide Internet access and long distance phone service at a favorable group rate.

Sec. 54. [LOAN REPAYMENT.]

The loan made by the Minneapolis community development agency to the Minneapolis park and recreation board in 1986 to acquire property for the central riverfront regional park must not be repaid by any funds from the state of Minnesota or funds of political subdivisions of the state, including the metropolitan council.

Sec. 55. [EMPLOYEE ASSISTANCE PROGRAM.]

The state employee assistance program is transferred from the department of administration to the department of employee relations under Minnesota Statutes, section 15.039.

Sec. 56. [TRANSFER.]

The Minnesota humanities commission is transferred to the department of children, families, and learning for administrative purposes.

Sec. 57. [SALARY LIMIT.]

Subdivision 1. [EXECUTIVE BRANCH.] (a) During the fiscal year ending June 30, 2000, the aggregate amount spent by all executive branch agencies on employee total compensation may not exceed 101 percent of the aggregate amount these agencies spent on employee total compensation in the fiscal year ending June 30, 1999.

(b) During the fiscal year ending June 30, 2001, the aggregate amount spent by all executive branch agencies on employee total compensation may not exceed 103 percent of the aggregate amount these agencies spent on employee total compensation in the fiscal year ending June 30, 1999.

(c) For purposes of this section, "executive branch" has the meaning given in Minnesota Statutes, section 43A.02, subdivision 22, and includes the Minnesota state colleges and universities but not constitutional offices.

Subd. 2. [LEGISLATIVE BRANCH.] (a) During the fiscal year ending June 30, 2000, the amount spent on employee total compensation by (1) the house of representatives; (2) the senate; and (3) the legislative coordinating commission and all groups under its jurisdiction may not exceed 101 percent of the amount spent on employee total compensation during the fiscal year ending June 30, 1999.

(b) During the fiscal year ending June 30, 2001, the amount spent on employee total compensation by (1) the house of representatives; (2) the senate; and (3) the legislative coordinating commission and all groups under its jurisdiction, may not exceed 103 percent of the amount spent on employee total compensation during the fiscal year ending June 30, 1999. Each entity listed in clauses (1), (2), and (3) in this paragraph must be treated separately for purposes of determining compliance with this subdivision, except that the legislative coordinating commission and all groups under its jurisdiction must be treated as one unit.

Sec. 58. [APPROPRIATION REDUCTIONS.]

Subdivision 1. [APPLICATION TO OTHER LAW.] The appropriation reductions mandated by this section supersede any other law, regardless of order of final passage.

Subd. 2. [EXECUTIVE BRANCH.] During the biennium ending June 30, 2001, general fund appropriations to executive branch agencies other than the Minnesota state colleges and universities for agency operations are reduced by \$38,700,000. The governor must allocate these reductions among executive branch agencies. For purposes of these reductions, "executive branch" is as defined in section 57.

Subd. 3. [METHOD OF ATTAINING REDUCTIONS.] To the extent practical, the reductions required by this section must be accomplished by not filling vacancies or by replacing employees who leave state service with lower paid employees.

Sec. 59. [VOLUNTARY UNPAID LEAVE OF ABSENCE.]

Appointing authorities in state government shall encourage each employee to take an unpaid leave of absence for up to 160 hours during the period ending June 30, 2001. Each appointing authority approving such a leave shall allow the employee to continue accruing vacation and sick leave, be eligible for paid holidays and insurance benefits, accrue seniority, and accrue service credit in state retirement plans permitting service credits for authorized leaves of absence as if the employee had actually been employed during the time of the leave. If the leave of absence is for one full pay period or longer, any holiday pay shall be included in the first payroll warrant after return from the leave of absence. The appointing authority shall attempt to grant requests for unpaid leaves of absence consistent with the need to continue efficient operation of the agency. However, each appointing authority shall retain discretion to grant or refuse to grant requests for leaves of absence and to schedule and cancel leaves, subject to applicable provisions of collective bargaining agreements and compensation plans.

Sec. 60. [HOLIDAY.]

For purposes of Minnesota Statutes, section 645.44, subdivision 5, Monday, January 3, 2000, replaces Friday, December 31, 1999, as a holiday. Any labor agreement between a public employer and employee shall be amended to reflect this change.

Sec. 61. [REVISOR'S INSTRUCTION.]

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>13.43, subd. 7</u>	<u>16B.39, subd. 2</u>	<u>43A.215</u>
<u>43A.30, subd. 5</u>	<u>16B.39</u>	<u>43A.215</u>

Sec. 62. [REPEALER.]

(a) Minnesota Statutes 1998, sections 4A.08; 4A.09; 4A.10; 15.90; 15.91; 15.92; 16A.103, subdivision 3; 16B.39, subdivision 2; 16B.88; 16E.11; 43A.211; 207A.01; 207A.02; 207A.03; 207A.04; 207A.06; 207A.07; 207A.08; 207A.09; 207A.10; 394.232; 462.3535; 473.1455; 572A.01; and 572A.03, subdivision 2, are repealed.

(b) Minnesota Statutes 1998, sections 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; and 465.88, are repealed.

(c) Minnesota Statutes 1998, section 16A.1285, subdivisions 4 and 5, are repealed.

Sec. 63. [EFFECTIVE DATES.]

Section 39 is effective June 30, 1999.

Sections 33, 48 to 50, and 62, paragraph (b), are effective June 30, 2000.

Sections 1 and 13 are effective July 1, 2000.

Sections 18, 19, and 62, paragraph (c), are effective July 1, 2001.

Sections 3 to 5 and 11 are effective January 1, 2000.

Sections 24 to 26 and 53 are effective the day following final enactment. Sections 24 to 26 and 53 do not affect any valid contracts executed before the effective date of sections 24 to 26 and 53.

Sections 29, 35, 36, 46, and 51 are effective January 1, 2000, and apply to businesses receiving preferences that total an aggregate of five years before or after that date.

ARTICLE 3

YEAR 2000

Section 1. [604B.01] [YEAR 2000 ACTIVITIES; IMMUNITY.]

Subdivision 1. [DEFINITIONS.] For the purpose of this section, the terms defined in this section have the meanings given them.

Subd. 2. [ASSOCIATION.] "Association" means a trade, professional, governmental, or similar organization the members of which are individuals, enterprises, or governmental units engaged in similar lines of business, services, or activity.

Subd. 3. [STATE AGENCY.] "State agency" means the University of Minnesota, Minnesota state colleges and universities, and the departments, boards, agencies, and commissions in the executive, judicial, and legislative branches.

Subd. 4. [YEAR 2000 SOLUTION INFORMATION.] "Year 2000 solution information" means information related to solutions that address the inability of computer systems, software, or electronically controlled devices to recognize certain dates in 1999 and after December 31, 1999. That inability may cause disruptions in electronic communications or the functioning of electronically controlled equipment resulting or reasonably anticipated to result from erroneous data that is or may be supplied by electronic devices.

Subd. 5. [ASSOCIATION AND RELATED IMMUNITY.] No cause of action may be maintained against an association for damages or harm resulting from the collection of year 2000 solution information or the publication of that information or against any person or entity for providing year 2000 solution information to the association.

Subd. 6. [STATE AGENCY IMMUNITY.] No cause of action may be maintained against a state agency for damages or harm resulting from the collection of year 2000 solution information or the publication of that information.

Subd. 7. [GOVERNMENTAL UNIT IMMUNITY.] No cause of action may be maintained against a governmental unit as defined in section 462.384, subdivision 2, including governmental units acting jointly under section 471.59, for damages or harm resulting from the collection, publication, or dissemination of year 2000 solution information to other governmental units or to the metropolitan council or agencies.

Subd. 8. [EXCEPTION.] Subdivisions 5 to 7 do not apply if the party against whom the claim is brought knew that the year 2000 solution information provided was materially false or provided the information with reckless disregard as to the accuracy of the information.

Subd. 9. [NO IMPLIED CAUSE OF ACTION CREATED.] No liability on the part of any person or any public or private entity is implied or created by this section by the absence of a grant of immunity under this section.

Sec. 2. [604B.02] [TRIAL OF MATTERS INVOLVING Y2K PROCESSING.]

(a) For a civil cause of action involving a claim in tort, contract, product liability, or under any other legal theory arising out of damages allegedly due to a failure of Y2K processing, an action may be commenced and discovery may be conducted, but no dispositive motion may be heard or trial conducted until after January 2, 2001 unless the court determines, for good cause shown, that a failure to hear and rule on a dispositive motion would result in hardship.

(b) Actions involving a failure of Y2K processing shall be referred to a Y2K processing panel of the district court to which district judges in a sufficient number shall be assigned on and after July 1, 1999.

Sec. 3. [EMERGENCIES.]

(a) The governor may declare an emergency under this section for purposes of Minnesota Statutes, sections 12.31, 12.36, and 12.37. The governor may declare an emergency under authority of this section only to the extent that actual or potential failure of computers or electronically controlled devices creates an actual or imminent serious threat to the health or safety of persons or an actual or imminent threat of catastrophic loss to property or the environment.

(b) A declaration for purposes of Minnesota Statutes, section 12.31, must be made according to procedures in that section.

(c) The governor may declare an emergency under this section for purposes of Minnesota Statutes, section 12.36 or 12.37, without declaring a peacetime emergency under Minnesota Statutes, section 12.31. A declaration for purposes of Minnesota Statutes, section 12.36 or 12.37, may specify that it applies to all or certain units of state or local government, must specify the time period for which it applies, and must be filed with the secretary of state.

(d) This section is in addition to and does not limit authority granted to the governor or local government officials by Minnesota Statutes, chapter 12, or other law.

(e) After April 1, 2000, the governor may not use this section as authority to declare an emergency.

(f) If an emergency is declared under authority of this section, a unit of state or local government may omit compliance with the procedures and law listed in Minnesota Statutes, sections 12.36, paragraph (a), clause (2), and 12.37, clause (2), only to the extent necessary to protect health and safety of persons or avoid catastrophic loss to property or the environment. A unit of state or local government must report to the year 2000 project office in the department of administration on omitting compliance with procedures and laws. The report must be filed within 30 days of the action that did not comply with the customary laws.

Sec. 4. [YEAR 2000 PROBLEM REPORTS.]

All electric utilities, as defined in Minnesota Statutes, section 216B.38, subdivision 5, and telephone companies, as defined in Minnesota Statutes, section 237.01, subdivisions 2 and 3, must file status reports on year 2000 problems with the public utilities commission and the department of public service, with a copy to the division of emergency

management of the department of public safety, on July 1 and October 1, 1999. The status report must include a statement of the percentage of the assessment phase that has been completed to date, the percentage of the remediation phase that has been completed to date, and the percentage of the testing of corrective actions phase that has been complete to date. The foregoing questions, along with others deemed appropriate, must be included in Y2K status report form that must be provided by the department of public safety, division of emergency management. If a report indicates that all year 2000 problems have been remediated, an entity need not file a subsequent report unless there has been a change.

Sec. 5. [YEAR 2000 PROBLEM EXEMPTION FROM UNIFORM MUNICIPAL CONTRACTING LAW.]

Subdivision 1. [MUNICIPAL CONTRACTS.] Minnesota Statutes, section 471.345, does not apply to the purchase or rental of supplies, materials, and equipment nor to the construction, alteration, repair, and maintenance of real or personal property if the governing body of a municipality determines that there is an urgency due to the actual or potential failure or malfunction of public infrastructure or systems critical to the delivery of municipal services due to year 2000 problems with computers and electronically controlled devices.

Subd. 2. [SPECIAL PROCEDURE.] A contract exempted from Minnesota Statutes, section 471.345, by subdivision 1 may, at the discretion of the municipality, be made by direct negotiation by obtaining two or more quotations or in the open market. All quotations shall be kept on file for a period of at least one year after receipt.

Subd. 3. [APPLICABILITY OF OTHER LAWS.] This section supersedes any inconsistent law.

Subd. 4. [REPORTS.] A municipality must report to the year 2000 project office in the department of administration on each instance in which it omitted compliance with the uniform municipal contracting law under authority of this section.

Subd. 5. [EXPIRATION.] This section applies only to a contract entered into or goods or services purchased before April 1, 2000.

Sec. 6. [DEPARTMENT OF HEALTH; YEAR 2000 ACTIVITY.]

Subdivision 1. [DEPARTMENT OF HEALTH SURVEY.] The department of health must, by July 30, 1999, survey all hospitals, nursing homes, nontransient noncommunity water systems operated by a public entity, and community water supply systems for year 2000 problems and solutions related to their operations. The department, upon request, must disseminate information about those year 2000 problems and proposed solutions to hospitals, nursing homes, and water supply system operators in a prompt and reasonable manner.

Subd. 2. [STATUS REPORTS.] All hospitals, nursing homes, nontransient noncommunity water systems operated by a public entity, and community water supply systems must file status reports on year 2000 problems with the department of health, with a copy to the division of emergency management of the department of public safety, on July 1 and October 1, 1999. The status report must include a statement of the percentage of the assessment phase that has been completed to date, the percentage of the remediation phase that has been completed to date, and the percentage of the testing of corrective actions phase that has been completed to date. The foregoing questions, along with others deemed appropriate, must be included in a Y2K status report form that must be provided by the department of public safety, division of emergency management. If there has been no change since the previous report, the report may indicate only that no change has occurred.

Sec. 7. [DEPARTMENT OF HUMAN SERVICES; YEAR 2000 ACTIVITY.]

If year 2000 computer problems create a failure or malfunction in the infrastructure or systems used by the department of human services for payment to health care providers under state government programs or counties, the commissioner of human services shall continue to pay all health care providers paid under state government programs or counties by manual warrant or other measures within the statutorily required time period.

Sec. 8. [STATUS REPORTS.]

(a) The recipients of the status reports required by sections 4 and 6, subdivision 2, including the division of emergency management, shall consult with those required to file those reports concerning the form of the report.

(b) All reports provided under sections 4 and 6 shall be considered Year 2000 Readiness Disclosures.

Sec. 9. [YEAR 2000 LOAN FUND.]

(a) \$20,000,000 is appropriated from the general fund in fiscal year 2000 to the commissioner of finance to capitalize a fund, to be used to make loans to school districts; counties; joint powers boards; home rule charter and statutory cities; and towns to meet the costs they incur in addressing year 2000 problems.

(b) A loan may not be made until the year 2000 project office of the department of administration certifies to the commissioner of finance that:

(1) the proposed use of the loan is related only to remediation of a year 2000 problem;

(2) the unit of local government has insufficient resources available to address year 2000 problems; and

(3) the loan would be used to remediate problems that are likely to affect public health and safety or cause catastrophic loss to property or the environment.

(c) The local units of government that received the loans must repay them by June 30, 2001. Interest is payable on the loan at the rate earned by the state on invested treasurer's cash, as determined monthly by the commissioner of finance. Repayments must be deposited in the general fund.

(d) A unit of local government receiving a loan under this section must report to the year 2000 project office in the department of administration within 60 days of receiving the loan. The report must state how the loan was used in accordance with the criteria of paragraph (b).

(e) This appropriation cancels April 1, 2000.

Any canceled money must be deposited in the general fund.

Sec. 10. [COMMISSIONER REVIEW.]

The commissioner of administration, through staff of the Y2K project office, is responsible for reviewing use of emergency authority and emergency funds under this act and shall review reports from state agencies and political subdivisions under sections 3, 4, 5, and 10. If the commissioner determines that funds obtained under section 10 were not used in a manner consistent with the requirements of section 10, paragraph (b), the political subdivision must pay interest on the loan at the rate of 12 percent, compounded annually from the time the loan was received.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment.

ARTICLE 4

CONFORMING CHANGES

Section 1. Minnesota Statutes 1998, section 14.131, is amended to read:

14.131 [STATEMENT OF NEED AND REASONABLENESS.]

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness

of the rule. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge and must include the following to the extent the agency, through reasonable effort, can ascertain this information:

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

(5) the probable costs of complying with the proposed rule; and

(6) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

~~For rules setting, adjusting, or establishing regulatory, licensure, or other charges for goods and services, the statement of need and reasonableness must include the comments and recommendations of the commissioner of finance and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285.~~

The statement must describe how the agency, in developing the rules, considered and implemented the legislative policy supporting performance-based regulatory systems set forth in section 14.002.

The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

The agency must send a copy of the statement of need and reasonableness to the legislative reference library when it becomes available for public review.

Sec. 2. Minnesota Statutes 1998, section 14.23, is amended to read:

14.23 [STATEMENT OF NEED AND REASONABLENESS.]

Before the date of the section 14.22 notice, the agency shall prepare a statement of need and reasonableness, which must be available to the public. The statement of need and reasonableness must include the analysis required in section 14.131 ~~and the comments and recommendations of the commissioner of finance, and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285.~~ The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rules or must explain why these efforts were not made. For at least 30 days following the notice, the agency shall afford the public an opportunity to request a public hearing and to submit data and views on the proposed rule in writing.

The agency shall send a copy of the statement of need and reasonableness to the legislative reference library when it becomes available to the public.

Sec. 3. Minnesota Statutes 1998, section 16B.748, is amended to read:

16B.748 [RULES.]

The commissioner may adopt rules for the following purposes:

(1) ~~to set a fee under section 16A.1285 for processing a construction or installation permit or elevator contractor license application;~~

(2) ~~to set a fee under section 16A.1285 to cover the cost of elevator inspections;~~

(3) ~~to establish minimum qualifications for elevator inspectors that must include possession of a current elevator constructor electrician's license issued by the state board of electricity and proof of successful completion of the national elevator industry education program examination or equivalent experience;~~

(4) ~~(2)~~ to establish criteria for the qualifications of elevator contractors;

(5) ~~(3)~~ to establish elevator standards under sections 16B.61, subdivisions 1 and 2, and 16B.64;

(6) ~~(4)~~ to establish procedures for appeals of decisions of the commissioner under chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek advice from the elevator trade, building owners or managers, and others knowledgeable in the installation, construction, and repair of elevators; and

(7) ~~(5)~~ to establish requirements for the registration of all elevators.

Sec. 4. Minnesota Statutes 1998, section 18.54, is amended to read:

18.54 [LOCAL SALES AND MISCELLANEOUS.]

Subdivision 1. [SERVICES AND FEES.] The commissioner may make small lot inspections or perform other necessary services for which another charge is not specified. For these services the commissioner shall set a fee plus expenses that will recover the cost of performing this service, ~~as provided in section 16A.1285.~~ The commissioner may set an additional acreage fee for inspection of seed production fields for exporters in order to meet domestic and foreign plant quarantine requirements.

Subd. 2. [VIRUS DISEASE-FREE CERTIFICATION.] The commissioner shall have the authority to provide special services such as virus disease-free certification and other similar programs. Participation by nursery stock growers shall be voluntary. Plants offered for sale as certified virus-free must be grown according to certain procedures in a manner defined by the commissioner for the purpose of eliminating viruses and other injurious disease or insect pests. The commissioner shall collect reasonable fees from participating nursery stock growers for services and materials that are necessary to conduct this type of work, ~~as provided in section 16A.1285.~~

Sec. 5. Minnesota Statutes 1998, section 21.92, is amended to read:

21.92 [SEED INSPECTION FUND.]

There is established in the state treasury an account known as the seed inspection fund. Fees and penalties collected by the commissioner under sections 21.80 to 21.92 and interest attributable to money in the account shall be deposited into this account. ~~The rates at which the fees are charged may be adjusted pursuant to section 16A.1285.~~

Sec. 6. Minnesota Statutes 1998, section 60A.964, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] The licensing fee for a viatical settlement provider license is \$750 for initial licensure and \$250 for each annual renewal. ~~The commissioner may adjust the fees as provided under section 16A.1285 to recover the costs of administration and enforcement.~~ The fees must be limited to the cost of license administration and enforcement and must be deposited in the state treasury, credited to a special account, and appropriated to the commissioner.

Sec. 7. Minnesota Statutes 1998, section 60A.972, subdivision 3, is amended to read:

Subd. 3. [FEES.] The licensing fee for a viatical settlement broker is \$750 for initial licensure and \$250 for each annual renewal. Failure to pay the renewal fee within the time required by the commissioner results in an automatic revocation of the license. ~~The commissioner may adjust the fees as provided under section 16A.1285 to recover the costs of administration and enforcement.~~ The fees must be limited to the cost of license administration and enforcement and must be deposited in the state treasury, credited to a special account, and appropriated to the commissioner.

Sec. 8. Minnesota Statutes 1998, section 97B.025, is amended to read:

97B.025 [ADVANCED HUNTER EDUCATION.]

The commissioner may establish advanced education courses for hunters and trappers. The commissioner, with the approval of the commissioner of finance, may impose a fee not to exceed \$10 for each person attending an advanced education course. ~~The commissioner shall establish the fee under section 16A.1285.~~

Sec. 9. Minnesota Statutes 1998, section 103G.301, subdivision 2, is amended to read:

Subd. 2. [PERMIT APPLICATION FEES.] (a) An application for a permit authorized under this chapter, and each request to amend or transfer an existing permit, must be accompanied by a permit application fee to defray the costs of receiving, recording, and processing the application or request to amend or transfer.

(b) ~~The application fee for a permit to appropriate water, a permit to construct or repair a dam that is subject to dam safety inspection, a state general permit, or to apply for the state water bank program is \$75. The application fee for a permit to work in public waters or to divert waters for mining must be at least \$75, but not more than \$500, in accordance with a schedule of fees adopted under section 16A.1285.~~

Sec. 10. Minnesota Statutes 1998, section 103I.525, subdivision 9, is amended to read:

Subd. 9. [INCOMPLETE OR LATE RENEWAL.] If a licensee fails to submit all information required for renewal in subdivision 8 or submits the application and information after the required renewal date:

(1) the licensee must include an additional late fee set by the commissioner ~~under section 16A.1285~~; and

(2) the licensee may not conduct activities authorized by the well contractor's license until the renewal application, renewal application fee, late fee, and all other information required in subdivision 8 are submitted.

Sec. 11. Minnesota Statutes 1998, section 103I.531, subdivision 9, is amended to read:

Subd. 9. [INCOMPLETE OR LATE RENEWAL.] If a licensee fails to submit all information required for renewal in subdivision 8 or submits the application and information after the required renewal date:

(1) the licensee must include an additional late fee set by the commissioner ~~under section 16A.1285~~; and

(2) the licensee may not conduct activities authorized by the limited well contractor's license until the renewal application, renewal application fee, and late fee, and all other information required in subdivision 8 are submitted.

Sec. 12. Minnesota Statutes 1998, section 103I.535, subdivision 9, is amended to read:

Subd. 9. [INCOMPLETE OR LATE RENEWAL.] If a licensee fails to submit all information required for renewal in subdivision 8 or submits the application and information after the required renewal date:

- (1) the licensee must include an additional late fee set by the commissioner ~~under section 16A.1285~~; and
- (2) the licensee may not conduct activities authorized by the elevator shaft contractor's license until the renewal application, renewal application fee, and late fee, and all other information required in subdivision 8 are submitted.

Sec. 13. Minnesota Statutes 1998, section 103I.541, subdivision 5, is amended to read:

Subd. 5. [INCOMPLETE OR LATE RENEWAL.] If a registered person submits a renewal application after the required renewal date:

- (1) the registered person must include an additional late fee set by the commissioner ~~under section 16A.1285~~; and
- (2) the registered person may not conduct activities authorized by the monitoring well contractor's registration until the renewal application, renewal application fee, late fee, and all other information required in subdivision 4 are submitted.

Sec. 14. Minnesota Statutes 1998, section 115B.49, subdivision 2, is amended to read:

Subd. 2. [REVENUE SOURCES.] Revenue from the following sources must be deposited in the state treasury and credited to the account:

- (1) the proceeds of the fees imposed by subdivision 4;
- (2) interest attributable to investment of money in the account;
- (3) penalties and interest collected under subdivision 4, paragraph ~~(d)~~ (c); and
- (4) money received by the commissioner for deposit in the account in the form of gifts, grants, and appropriations.

Sec. 15. Minnesota Statutes 1998, section 115B.49, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION; FEES.] (a) The owner or operator of a drycleaning facility shall register on or before July 1 of each year with the commissioner of revenue in a manner prescribed by the commissioner of revenue and pay a registration fee for the facility. The amount of the fee is:

- (1) \$500, for facilities with a full-time equivalence of fewer than five;
- (2) \$1,000, for facilities with a full-time equivalence of five to ten; and
- (3) \$1,500, for facilities with a full-time equivalence of more than ten.

(b) A person who sells drycleaning solvents for use by drycleaning facilities in the state shall collect and remit to the commissioner of revenue in a manner prescribed by the commissioner of revenue, on or before the 20th day of the month following the month in which the sales of drycleaning solvents are made, a fee of:

- (1) \$3.50 for each gallon of perchloroethylene sold for use by drycleaning facilities in the state; and
- (2) 70 cents for each gallon of hydrocarbon-based drycleaning solvent sold for use by drycleaning facilities in the state.

(c) ~~The commissioner shall, after a public hearing but notwithstanding section 16A.1285, subdivision 4, annually adjust the fees in this subdivision as necessary to maintain annual income of at least:~~

- ~~(1) \$600,000 beginning July 1, 1997;~~
- ~~(2) \$700,000 beginning July 1, 1998; and~~
- ~~(3) \$800,000 beginning July 1, 1999.~~

~~Any adjustment under this paragraph must be prorated among all the fees in this subdivision. After adjustment under this paragraph, the fees in this subdivision must not be greater than two times their original amount. The commissioner shall notify the commissioner of revenue of an adjustment under this paragraph no later than March 1 of the year in which the adjustment is to become effective. The adjustment is effective for sales of drycleaning solvents made, and annual registration fees due, beginning on July 1 of the same year.~~

~~(d) To enforce this subdivision, the commissioner of revenue may examine documents, assess and collect fees, conduct investigations, issue subpoenas, grant extensions to file returns and pay fees, impose penalties and interest on the annual registration fee under paragraph (a) and the monthly fee under paragraph (b), abate penalties and interest, and administer appeals, in the manner provided in chapters 270 and 289A. The penalties and interest imposed on taxes under chapter 297A apply to the fees imposed under this subdivision. Disclosure of data collected by the commissioner of revenue under this subdivision is governed by chapter 270B.~~

Sec. 16. Minnesota Statutes 1998, section 115B.491, subdivision 2, is amended to read:

Subd. 2. [RETURN REQUIRED.] On or before the 20th of each calendar month, every drycleaning facility that has purchased drycleaning solvents for use in this state during the preceding calendar month, upon which the fee imposed by section 115B.49, subdivision 4, paragraph (b), has not been paid to the seller of the drycleaning solvents, shall file a return with the commissioner of revenue showing the quantity of solvents purchased and a computation of the fee under section 115B.49, subdivision 4, paragraph ~~(d)~~ (c). The fee must accompany the return. The return must be made upon a form furnished and prescribed by the commissioner of revenue and must contain such other information as the commissioner of revenue may require.

Sec. 17. Minnesota Statutes 1998, section 115B.491, subdivision 3, is amended to read:

Subd. 3. [APPLICABILITY.] All of the provisions of section 115B.49, subdivision 4, paragraph ~~(d)~~ (c), apply to this section.

Sec. 18. Minnesota Statutes 1998, section 116.07, subdivision 4d, is amended to read:

Subd. 4d. [PERMIT FEES.] (a) The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. ~~The agency shall adopt rules under section 16A.1285 establishing a system for charging permit fees collected under this subdivision.~~ The fee schedule must reflect reasonable and routine permitting, implementation, and enforcement costs. The agency may impose an additional enforcement fee to be collected for a period of up to two years to cover the reasonable costs of implementing and enforcing the conditions of a permit under the rules of the agency. Any money collected under this paragraph shall be deposited in the environmental fund.

(b) Notwithstanding paragraph (a), and section 16A.1285, subdivision 2, the agency shall collect an annual fee from the owner or operator of all stationary sources, emission facilities, emissions units, air contaminant treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage facilities subject to the requirement to obtain a permit under subchapter V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or section 116.081. The annual fee shall be used to pay for all direct and indirect reasonable costs, including attorney general costs, required to develop and administer the permit program requirements of

subchapter V of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., and sections of this chapter and the rules adopted under this chapter related to air contamination and noise. Those costs include the reasonable costs of reviewing and acting upon an application for a permit; implementing and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally applicable regulations; responding to federal guidance; modeling, analyses, and demonstrations; preparing inventories and tracking emissions; and providing information to the public about these activities.

(c) The agency shall ~~adopt fee rules in accordance with the procedures in section 16A.1285, subdivision 5; set fees that:~~

(1) will result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national primary ambient air quality standard has been promulgated;

(2) may result in the collection, in the aggregate, from the sources listed in paragraph (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is regulated under this chapter or air quality rules adopted under this chapter; and

(3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount needed to match grant funds received by the state under United States Code, title 42, section 7405 (section 105 of the federal Clean Air Act).

The agency must not include in the calculation of the aggregate amount to be collected under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant from a source. The increase in air permit fees to match federal grant funds shall be a surcharge on existing fees. The commissioner may not collect the surcharge after the grant funds become unavailable. In addition, the commissioner shall use nonfee funds to the extent practical to match the grant funds so that the fee surcharge is minimized.

(d) To cover the reasonable costs described in paragraph (b), the agency shall provide in the rules promulgated under paragraph (c) for an increase in the fee collected in each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of the year the fee is collected exceeds the Consumer Price Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year. The revision of the Consumer Price Index that is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(e) Any money collected under paragraphs (b) to (d) must be deposited in an air quality account in the environmental fund and must be used solely for the activities listed in paragraph (b).

(f) Persons who wish to construct or expand an air emission facility may offer to reimburse the agency for the costs of staff overtime or consultant services needed to expedite permit review. The reimbursement shall be in addition to fees imposed by paragraphs (a) to (d). When the agency determines that it needs additional resources to review the permit application in an expedited manner, and that expediting the review would not disrupt air permitting program priorities, the agency may accept the reimbursement. Reimbursements accepted by the agency are appropriated to the agency for the purpose of reviewing the permit application. Reimbursement by a permit applicant shall precede and not be contingent upon issuance of a permit and shall not affect the agency's decision on whether to issue or deny a permit, what conditions are included in a permit, or the application of state and federal statutes and rules governing permit determinations.

Sec. 19. Minnesota Statutes 1998, section 116.12, is amended to read:

116.12 [HAZARDOUS WASTE ADMINISTRATION FEES.]

Subdivision 1. [FEE SCHEDULES.] The agency shall establish the fees provided in subdivisions 2 and 3 ~~in the manner provided in section 16A.1285~~ to cover expenditures of amounts appropriated from the environmental fund to the agency for permitting, monitoring, inspection, and enforcement expenses of the hazardous waste activities of the agency.

Subd. 2. [HAZARDOUS WASTE GENERATOR FEE.] (a) Each generator of hazardous waste shall pay a fee on the hazardous waste generated by that generator. ~~The agency shall adopt rules in accordance with chapter 14 establishing a system for charging fees to generators. The rules must include the basis for determining the amount of fees, and procedures and deadlines for payment of fees.~~ The agency shall base the amount of fees on the quantity of hazardous waste generated and may charge a minimum fee for each generator not exempted by the agency. In adopting the fee rules, the agency shall consider:

(1) reducing the fees for generators using environmentally beneficial hazardous waste management methods, including recycling;

(2) the agency resources allocated to regulating the various sizes or types of generators;

(3) adjusting fees for sizes or types of generators that would bear a disproportionate share of the fees to be collected; and

(4) whether implementing clauses (1) to (3) would require excessive staff time compared to staff time available for providing technical assistance to generators or would make the fee system difficult for generators to understand.

(b) The agency may exempt generators of very small quantities of hazardous wastes otherwise subject to the fee if it finds that the cost of administering a fee on those generators is excessive relative to the proceeds of the fee.

(c) The agency shall reduce fees charged to generators in counties which also charge generator fees to reflect a lesser level of activity by the agency in those counties. The fees charged by the agency in those counties shall be collected by the counties in the manner in which and at the same time as those counties collect their generator fees. Counties shall remit to the agency the amount of the fees charged by the agency by the last day of the month following the month in which they were collected. If a county does not collect or remit generator fees due to the agency, the agency may collect fees from generators in that county according to rules adopted under paragraph (a).

(d) The agency may not impose a volume-based fee under this subdivision on material that is reused at the facility where the material is generated in a manner that the facility owner or operator can demonstrate does not increase the toxicity of, or the level of hazardous substances or pollutants or contaminants in, products that leave the facility. The agency may impose a flat annual fee on a facility that generates the type of material described in the preceding sentence, provided that the fee reflects the reasonable and necessary costs of inspections of the facility.

Subd. 3. [FACILITY FEES.] The agency shall charge hazardous waste facility fees including, but not limited to, an original permit fee, a reissuance fee, a major modification fee, and an annual facility fee for any hazardous waste facility regulated by the agency. ~~The agency shall adopt rules in accordance with chapter 14 establishing a system for charging hazardous waste facility fees.~~ The agency may exempt facilities otherwise subject to the fee if regulatory oversight of those facilities is minimal. The agency may include reasonable and necessary costs of any environmental review required under chapter 116D in the original permit fee for any hazardous waste facility.

Sec. 20. Minnesota Statutes 1998, section 116C.834, subdivision 1, is amended to read:

Subdivision 1. [COSTS.] All costs incurred by the state to carry out its responsibilities under the compact and under sections 116C.833 to 116C.843 shall be paid by generators of low-level radioactive waste in this state through fees assessed by the pollution control agency. ~~The agency shall assess the fees in the manner provided in section 16A.1285.~~ Fees may be reasonably assessed on the basis of volume or degree of hazard of the waste produced by a generator. Costs for which fees may be assessed include, but are not limited to:

- (1) the state contribution required to join the compact;
- (2) the expenses of the Commission member and state agency costs incurred to support the work of the Interstate Commission; and
- (3) regulatory costs.

Sec. 21. Minnesota Statutes 1998, section 144.98, subdivision 3, is amended to read:

Subd. 3. [FEES.] (a) An application for certification under subdivision 1 must be accompanied by the biennial fee specified in this subdivision. The fees are for:

- (1) base certification fee, \$500; and
- (2) test category certification fees:

Test Category	Certification Fee
Bacteriology	\$200
Inorganic chemistry, fewer than four constituents	\$100
Inorganic chemistry, four or more constituents	\$300
Chemistry metals, fewer than four constituents	\$200
Chemistry metals, four or more constituents	\$500
Volatile organic compounds	\$600
Other organic compounds	\$600

(b) The total biennial certification fee is the base fee plus the applicable test category fees. The biennial certification fee for a contract laboratory is 1.5 times the total certification fee.

(c) Laboratories located outside of this state that require an on-site survey will be assessed an additional \$1,200 fee.

(d) ~~The commissioner of health may adjust fees under section 16A.1285 without rulemaking.~~ Fees must be set so that the total fees support the laboratory certification program. Direct costs of the certification service include program administration, inspections, the agency's general support costs, and attorney general costs attributable to the fee function.

Sec. 22. Minnesota Statutes 1998, section 176.102, subdivision 14, is amended to read:

Subd. 14. [FEES.] The commissioner shall impose fees ~~under section 16A.1285~~ sufficient to cover the cost of approving and monitoring qualified rehabilitation consultants, consultant firms, and vendors of rehabilitation services. These fees are payable to the special compensation fund.

Sec. 23. Minnesota Statutes 1998, section 183.375, subdivision 5, is amended to read:

Subd. 5. [FEES.] All fees collected by the division of boiler inspection shall be paid into the state treasury in the manner provided by law for fees received by other state departments and credited to the general fund. ~~When fees are to be set by the commissioner, they shall be set pursuant to section 16A.1285.~~

Sec. 24. Minnesota Statutes 1998, section 223.17, subdivision 3, is amended to read:

Subd. 3. [GRAIN BUYERS AND STORAGE FUND; FEES.] The commissioner shall set the fees for inspections under sections 223.15 to 223.22 at levels necessary to pay the expenses of administering and enforcing sections 223.15 to 223.22. ~~These fees may be adjusted pursuant to the provisions of section 16A.1285.~~

The fee for any license issued or renewed after June 30, 1997, shall be set according to the following schedule:

- (a) \$100 plus \$50 for each additional location for grain buyers whose gross annual purchases are less than \$100,000;
- (b) \$200 plus \$50 for each additional location for grain buyers whose gross annual purchases are at least \$100,000, but not more than \$750,000;
- (c) \$300 plus \$100 for each additional location for grain buyers whose gross annual purchases are more than \$750,000 but not more than \$1,500,000;
- (d) \$400 plus \$100 for each additional location for grain buyers whose gross annual purchases are more than \$1,500,000 but not more than \$3,000,000; and
- (e) \$500 plus \$100 for each additional location for grain buyers whose gross annual purchases are more than \$3,000,000.

There is created in the state treasury the grain buyers and storage fund. Money collected pursuant to sections 223.15 to 223.19 shall be paid into the state treasury and credited to the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of sections 223.15 to 223.22.

Sec. 25. Minnesota Statutes 1998, section 239.101, subdivision 4, is amended to read:

Subd. 4. [SETTING WEIGHTS AND MEASURES FEES.] The department shall review its schedule of inspection fees at the end of each six months. ~~When a review indicates that the schedule of inspection fees should be adjusted, the commissioner shall fix the fees by rule, in accordance with section 16A.1285, to ensure that the fees charged are sufficient to recover all costs connected with the inspections.~~

Sec. 26. Minnesota Statutes 1998, section 299M.04, is amended to read:

299M.04 [RULES; FEES; ORDERS; PENALTIES.]

The commissioner shall adopt permanent rules for operation of the council; regulation by municipalities; ~~permit, filing, inspection, certificate, and license fees;~~ qualifications, examination, and licensing of fire protection contractors; certification of journeyman sprinkler fitters; registration of apprentices; and the administration and enforcement of this chapter. ~~Fees must be set under section 16A.1285.~~ Permit fees must be a percentage of the total cost of the fire protection work.

The commissioner may issue a cease and desist order to cease an activity considered an immediate risk to public health or public safety. The commissioner shall adopt permanent rules governing when an order may be issued; how long the order is effective; notice requirements; and other procedures and requirements necessary to implement, administer, and enforce the provisions of this chapter.

The commissioner, in place of or in addition to licensing sanctions allowed under this chapter, may impose a civil penalty not greater than \$1,000 for each violation of this chapter or rule adopted under this chapter, for each day of violation. The commissioner shall adopt permanent rules governing and establishing procedures for implementation, administration, and enforcement of this paragraph.

Sec. 27. Minnesota Statutes 1998, section 326.50, is amended to read:

326.50 [APPLICATION; FEES.]

Application for an individual contracting pipefitter competency or an individual journeyman pipefitter competency license shall be made to the department of labor and industry, with fees. The applicant shall be licensed only after passing an examination by the department of labor and industry. ~~Fees and conditions for renewal of an individual contracting pipefitter competency or an individual journeyman pipefitter competency license shall be determined by the department by rule under chapter 14 and section 16A.1285.~~

Sec. 28. Minnesota Statutes 1998, section 326.86, subdivision 1, is amended to read:

Subdivision 1. [LICENSING FEE.] The licensing fee for persons licensed pursuant to sections 326.83 to 326.991 is \$75 per year. ~~The commissioner may adjust the fees under section 16A.1285 to recover the costs of administration and enforcement.~~ The fees must be limited to the cost of license administration and enforcement and must be deposited in the state treasury and credited to the general fund.

Sec. 29. [EFFECTIVE DATE.]

This article is effective July 1, 2001."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for the general administrative expenses of state government; modifying provisions relating to state government operations; amending Minnesota Statutes 1998, sections 3.3005, by adding a subdivision; 3.305, by adding subdivisions; 3.85, subdivision 3; 8.15, subdivisions 1, 2, and 3; 13.03, subdivision 2; 13.05, by adding a subdivision; 13.073, by adding a subdivision; 14.131; 14.23; 15.0591, subdivision 2; 15.50, subdivision 2; 16A.102, subdivision 1; 16A.103, subdivision 1; 16A.11, by adding a subdivision; 16A.45, subdivision 1; 16B.31, subdivision 2; 16B.415; 16B.46; 16B.465; 16B.58, by adding a subdivision; 16B.748; 16C.16, by adding a subdivision; 18.54; 21.92; 43A.04, by adding a subdivision; 60A.964, subdivision 1; 60A.972, subdivision 3; 97B.025; 103G.301, subdivision 2; 103I.525, subdivision 9; 103I.531, subdivision 9; 103I.535, subdivision 9; 103I.541, subdivision 5; 115B.49, subdivisions 2 and 4; 115B.491, subdivisions 2 and 3; 116.07, subdivision 4d; 116.12; 116C.834, subdivision 1; 119A.05, subdivision 1; 128C.02, by adding a subdivision; 136F.581, subdivision 3; 136F.66; 138.17, subdivisions 7 and 8; 144.98, subdivision 3; 176.102, subdivision 14; 183.375, subdivision 5; 197.79, subdivision 10; 202A.18, by adding a subdivision; 202A.20, subdivision 2; 223.17, subdivision 3; 239.101, subdivision 4; 256.9753, subdivision 3; 297F.08, by adding a subdivision; 299M.04; 326.50; 326.86, subdivision 1; 349.163, subdivision 4; 356.219, subdivision 7; 383A.322; 465.803, subdivision 3; 465.81, subdivision 2; 465.82, subdivision 1; 465.84; 471.345, subdivision 8; 572A.02, subdivision 5; Laws 1995, First Special Session chapter 3, article 12, section 10; proposing coding for new law in Minnesota Statutes, chapters 3; 16A; 16C; 16D; and 43A; proposing coding for new law as Minnesota Statutes, chapter 604B; repealing Minnesota Statutes 1998, sections 4A.08; 4A.09; 4A.10; 15.90; 15.91; 15.92; 16A.103, subdivision 3; 16A.1285, subdivisions 4 and 5; 16B.39, subdivision 2; 16B.88; 16E.11; 43A.211; 207A.01; 207A.02; 207A.03; 207A.04; 207A.06; 207A.07; 207A.08; 207A.09; 207A.10; 394.232; 462.3535; 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; 465.88; 473.1455; 572A.01; and 572A.03, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2412 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 2223 was read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 7, A bill for an act relating to motor vehicles; modifying the motor vehicle emissions inspection program and providing for termination of inspection by January 1, 2000, or earlier if redesignated to attainment for carbon monoxide before January 1, 2000; amending Minnesota Statutes 1998, sections 116.60, subdivision 1, and by adding a subdivision; 116.61, subdivision 1, and by adding a subdivision; 116.62, subdivisions 2, 3, 5, and by adding a subdivision; and 116.63, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1998, sections 116.60; 116.61; 116.62; 116.63; and 116.64.

The Senate has appointed as such committee:

Senators Metzen, Pariseau and Price.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 174, A bill for an act relating to the Paynesville area hospital district; authorizing the district to annex the city of Richmond to the district.

The Senate has appointed as such committee:

Senators Fischbach, Vickerman and Sams.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 270, A bill for an act relating to insurance; prohibiting a maximum lifetime benefit limit on certain policies of the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1998, section 62E.12.

The Senate has appointed as such committee:

Senators Murphy, Wiener and Oliver.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 371, A bill for an act relating to local government; removing the limit on the amount a local government may contribute for historical work; permitting local governments to make contributions to public or private, nonprofit senior citizen centers; amending Minnesota Statutes 1998, section 471.93; proposing coding for new law in Minnesota Statutes, chapter 471.

The Senate has appointed as such committee:

Senators Fischbach, Vickerman and Sams.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 837, A bill for an act relating to insurance; regulating insurers, agents, and coverages; modifying reporting requirements; regulating the rehabilitation and liquidation of insurers; modifying certain notice and disclosure provisions; modifying certain definitions; making technical changes; amending Minnesota Statutes 1998, sections 60A.02, subdivision 1a, and by adding a subdivision; 60A.052, subdivision 2, and by adding a subdivision; 60A.06, subdivisions 1 and 2; 60A.075, by adding a subdivision; 60A.092, subdivisions 6 and 11; 60A.10, subdivision 1; 60A.111, subdivision 1; 60A.13, subdivision 1; 60A.16, subdivisions 2, 3, and 4; 60A.19, subdivision 1; 60A.32; 60B.21, subdivision 2; 60B.25; 60B.26, subdivision 1; 60B.39, subdivision 2; 60B.44, subdivisions 4, 6, and by adding subdivisions; 60D.20, subdivision 2; 60K.02, subdivision 1; 60K.03, subdivisions 2 and 3; 60K.19, subdivision 8; 61A.276, subdivision 2; 61A.60, subdivision 1; 61B.19, subdivision 3; 62A.04, subdivision 3; 62A.135, subdivision 5; 62A.50, subdivision 3; 62A.61; 62A.65, subdivision 5; 62B.04, subdivision 2; 62D.12, subdivision 2; 62E.02, subdivision 1; 62E.05, subdivision 1; 62E.09; 62E.13, subdivisions 6 and 8; 62E.14, subdivision 2; 62E.15, subdivision 2; 62I.07, subdivision 1; 62L.02, subdivision 24; 62L.03, subdivision 5; 62L.05, subdivision 5; 62L.14, subdivision 7; 62Q.185; 62S.01, subdivision 14; 62S.05, subdivision 2; 65A.01, subdivision 1; 65A.27, subdivision 4; 65A.29, subdivision 4; 65B.02, subdivision 2; 65B.44, subdivision 1; 65B.48, subdivision 5; 72A.125, subdivision 3; 72A.20, subdivision 29; 72B.04, subdivision 10; 79A.01, subdivision 10, and by adding a subdivision; 79A.02, subdivisions 1 and 4; 79A.03, subdivisions 6, 7, 9, 10, and by adding a subdivision; 79A.21,

subdivision 2; 79A.23, subdivisions 1 and 2; and 256B.0644; proposing coding for new law in Minnesota Statutes, chapter 60B; repealing Minnesota Statutes 1998, sections 60A.11, subdivision 24a; 60B.36; 60B.44, subdivisions 3 and 5; 60K.08; 65A.29, subdivision 12; and 79A.04, subdivision 8; Minnesota Rules, part 2780.0500, item C.

The Senate has appointed as such committee:

Senators Wiener, Solon and Oliver.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 92, A bill for an act relating to drivers' licenses; modifying required content of petition for seeking judicial review of driver's license revocation for violating implied consent law; limiting scope of discovery in that proceeding under implied consent law; amending Minnesota Statutes 1998, section 169.123, subdivision 5c.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Carruthers moved that the House concur in the Senate amendments to H. F. No. 92 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 92, A bill for an act relating to drivers' licenses; modifying required content of petition for seeking judicial review of driver's license revocation for violating implied consent law; allowing judges to order additional discovery in that proceeding; amending Minnesota Statutes 1998, section 169.123, subdivision 5c.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dehler	Gerlach	Harder	Juhnke
Abrams	Carlson	Dempsey	Gleason	Hasskamp	Kahn
Anderson, B.	Carruthers	Dorman	Goodno	Hausman	Kalis
Anderson, I.	Cassell	Dorn	Gray	Hilty	Kelliher
Bakk	Chaudhary	Entenza	Greenfield	Holberg	Kielkucki
Biernat	Clark, J.	Erhardt	Greiling	Holsten	Knobloch
Bishop	Clark, K.	Erickson	Gunther	Howes	Koskinen
Boudreau	Daggett	Finseth	Haake	Huntley	Krinkie
Bradley	Davids	Folliard	Haas	Jennings	Kubly
Broecker	Dawkins	Fuller	Hackbarth	Johnson	Kuisele

Larsen, P.	McElroy	Osskopp	Rifenberg	Storm	Westerberg
Larson, D.	McGuire	Osthoff	Rostberg	Swenson	Westrom
Leighton	Milbert	Otremba	Schumacher	Sykora	Wilkin
Lenczewski	Molnau	Ozment	Seagren	Tingelstad	Winter
Leppik	Mulder	Paulsen	Seifert, J.	Tomassoni	Wolf
Lieder	Mullery	Pawlenty	Seifert, M.	Trimble	Workman
Lindner	Murphy	Paymar	Skoe	Tuma	Spk. Sviggum
Luther	Ness	Pelowski	Skoglund	Tunheim	
Mahoney	Nornes	Peterson	Smith	Vandevveer	
Mares	Olson	Pugh	Solberg	Wagenius	
Marko	Opatz	Reuter	Stanek	Wejcman	
McCollum	Orfield	Rhodes	Stang	Wenzel	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 359, A bill for an act relating to utilities; authorizing public utilities commission to establish and delegate powers to subcommittees and to designate lead commissioners; allowing petitions to be deemed approved unless set aside for affirmative action by the commission; amending Minnesota Statutes 1998, section 216A.03, by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wolf moved that the House concur in the Senate amendments to H. F. No. 359 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 359, A bill for an act relating to utilities; authorizing public utilities commission to establish and delegate powers to subcommittees and to designate lead commissioners; allowing petitions to be deemed approved unless set aside for affirmative action by the commission; authorizing a quorum of the commission to discuss a docket without complying with certain statutory law when acting as an administrative court; amending Minnesota Statutes 1998, section 216A.03, by adding subdivisions.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Cassell	Daggett	Dempsey
Abrams	Biernat	Broecker	Chaudhary	Davids	Dorman
Anderson, B.	Bishop	Buesgens	Clark, J.	Dawkins	Dorn
Anderson, I.	Boudreau	Carlson	Clark, K.	Dehler	Erhardt

Erickson	Hilty	Kuisle	Mulder	Rest	Swenson
Finseth	Holberg	Larsen, P.	Mullery	Reuter	Sykora
Folliard	Holsten	Larson, D.	Murphy	Rhodes	Tingelstad
Fuller	Howes	Leighton	Ness	Rifenberg	Tomassoni
Gerlach	Huntley	Lenczewski	Nornes	Rostberg	Tuma
Gleason	Jennings	Leppik	Opatz	Rukavina	Tunheim
Goodno	Johnson	Lieder	Orfield	Schumacher	Wagenius
Gray	Juhnke	Lindner	Osskopp	Seagren	Wenzel
Greenfield	Kahn	Luther	Osthoff	Seifert, J.	Westerberg
Greiling	Kalis	Mahoney	Otremba	Seifert, M.	Westrom
Gunther	Kelliher	Mares	Ozment	Skoe	Wilkin
Haake	Kielkucki	Mariani	Paulsen	Skoglund	Winter
Haas	Knoblach	McElroy	Pawlenty	Solberg	Wolf
Hackbarth	Koskinen	McGuire	Pelowski	Stanek	Workman
Harder	Krinkie	Milbert	Peterson	Stang	Spk. Sviggum
Hasskamp	Kubly	Molnau	Pugh	Storm	

Those who voted in the negative were:

Carruthers	Hausman	McCollum	Paymar	Trimble	Wejcmán
Entenza	Marko	Olson	Smith	Vandevveer	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2017, A bill for an act relating to public employment; making technical and administrative changes; modifying definitions; redesigning administrative procedures for certain pilot projects; amending Minnesota Statutes 1998, sections 13.43, subdivision 2; 43A.02, subdivisions 11 and 33; 43A.04, subdivision 4; 43A.06, subdivision 8; 43A.07, subdivisions 4 and 6; 43A.13, subdivision 3; 43A.15, subdivision 6, and by adding a subdivision; 43A.17, subdivision 8; 43A.18, subdivision 1; 43A.19, subdivision 3; 43A.20; 43A.317, subdivisions 3 and 4; and 43A.421; Laws 1995, chapter 248, article 13, section 2, subdivisions 5, as amended, and 6, as amended; repealing Minnesota Statutes 1998, sections 43A.13, subdivision 9; 43A.40; 43A.41; 43A.42; 43A.43, subdivision 2; 43A.44; 43A.45; 43A.46; and 43A.465; Laws 1995, chapter 248, article 13, section 2, subdivision 8; Minnesota Rules, parts 3910.0100; 3910.0200; 3910.0300; 3910.0400; 3910.0500; 3910.0600; 3910.0700; 3910.0800; 3910.0900; 3910.1000; 3910.1100; 3910.1200; 3910.1300; 3910.1400; 3910.1500; 3910.1600; and 3910.1700.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Runbeck, Flynn and Hottinger.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mares moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2017. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 1330, A bill for an act relating to financial institutions; regulating fees, charges, and time periods; authorizing certain part-time banking locations; authorizing reverse stock splits; making corrections and conforming changes; amending Minnesota Statutes 1998, sections 46.041, subdivisions 1 and 3; 46.048, subdivisions 1 and 2b; 46.131, subdivision 10; 47.0156; 47.101, subdivision 3; 47.20, subdivision 6b; 47.203; 47.204, subdivision 1; 47.27, subdivision 3; 47.52; 47.54, subdivisions 2 and 3; 47.59, subdivision 12; 47.60, subdivision 3; 48.15, subdivisions 2a and 3; 48A.15, subdivision 1; 49.36, subdivision 1; 52.01; 53.03, subdivisions 1, 6, and 7; 55.04, subdivision 2; 56.02; 56.131, subdivision 1; 59A.03, subdivision 2; 168.67; 168.71; 303.25, subdivision 5; 332.15, subdivisions 2 and 3; 332.17; and 332.30; proposing coding for new law in Minnesota Statutes, chapters 48; 52; and 334.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Solon, Belanger and Metzen.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Haas moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1330. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2390, A bill for an act relating to state government; appropriating money for economic development and certain agencies of state government; establishing and modifying programs; regulating activities and practices; modifying fees; eliminating certain boards; transferring regulatory authority over health maintenance organizations and similar entities to the commissioner of commerce; making conforming changes; requiring reports; amending Minnesota Statutes 1998, sections 45.0295; 53A.03; 53A.05, subdivision 1; 60A.14, subdivision 1; 60A.23, subdivision 8; 60A.71, subdivision 7; 60B.02; 60B.03, subdivisions 2 and 4; 60B.15; 60B.20; 60G.01, subdivisions 2 and 4; 60K.06, subdivision 2; 62A.61; 62D.01, subdivision 2; 62D.02, subdivision 3, and by adding a subdivision; 62D.03, subdivisions 1, 3, and 4; 62D.04, subdivisions 1, 2, 4, and by adding a subdivision; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions 2, 3, and 10; 62D.08, subdivisions 1, 2, 3, 4, and 5; 62D.09, subdivisions 1 and 8; 62D.10, subdivision 4; 62D.11, subdivisions 1b, 2, 3, and by adding a subdivision; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 3a and 7; 62D.14, subdivisions 1, 3, 4, 5, and 6; 62D.15, subdivisions 1 and 4; 62D.16, subdivisions 1 and 2; 62D.17, subdivisions 1, 3, 4, and 5; 62D.18, subdivisions 1 and 7; 62D.19; 62D.20, subdivision 1; 62D.21; 62D.211; 62D.22, subdivisions 4 and 10; 62D.24; 62D.30,

subdivisions 1 and 3; 62L.02, subdivision 8; 62L.05, subdivision 12; 62L.08, subdivisions 10 and 11; 62M.11; 62M.16; 62N.02, subdivision 4; 62N.26; 62N.31, subdivision 1; 62Q.01, subdivision 2; 62Q.07; 62Q.075, subdivision 4; 62Q.105, subdivisions 6 and 7; 62Q.11; 62Q.22, subdivisions 2, 6, and 7; 62Q.32; 62Q.51, subdivision 3; 62Q.525, subdivision 3; 62R.04, subdivision 5; 62R.25; 62T.01, subdivision 4; 65B.48, subdivision 3; 70A.14, subdivision 4; 72A.139, subdivision 2; 72B.04, subdivision 10; 79.255, subdivision 10; 80A.28, subdivision 1; 82A.08, subdivision 2; 82A.16, subdivisions 2 and 6; 116J.415, subdivision 5; 116J.421, subdivision 3, and by adding subdivisions; 116J.63, subdivision 4; 116J.8745, subdivisions 1 and 2; 116L.03, subdivision 5; 116L.04, subdivision 1a; 116L.06, subdivision 4; 175.17; 176.181, subdivision 2a; 237.295, subdivision 1; 268.022, subdivision 1; 268.98, subdivision 3; 298.22, subdivision 2; 326.244, subdivision 2, and by adding a subdivision; 326.86, subdivision 1; 446A.072, subdivision 4; 462A.20, subdivision 2, and by adding a subdivision; 462A.204, by adding a subdivision; 462A.209; and 462A.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116J; and 178; repealing Minnesota Statutes 1998, sections 44A.001; 44A.01; 44A.02; 44A.023; 44A.025; 44A.031; 44A.0311; 44A.06; 44A.08; 44A.11; 62D.18; 62L.11, subdivision 2; 62Q.45, subdivision 1; 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 341.01; 341.02; 341.04; 341.045; 341.05; 341.06; 341.07; 341.08; 341.09; 341.10; 341.11; 341.115; 341.12; 341.13; 341.15; 462A.28; 469.305; 469.306; 469.307; 469.308; and 469.31; Laws 1998, chapter 404, section 13, subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

McElroy moved that the House refuse to concur in the Senate amendments to H. F. No. 2390, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

CALENDAR FOR THE DAY

S. F. No. 383 was reported to the House.

Abeler moved to amend S. F. No. 383 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 949, the third engrossment:

"Section 1. [147D.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to this chapter.

Subd. 2. [ADVISORY COUNCIL.] "Advisory council" means the advisory council of traditional midwifery established under section 147D.25.

Subd. 3. [APPROVED EDUCATION PROGRAM.] "Approved education program" means a university, college, or other education program leading to eligibility for certification in midwifery that is accredited by the Midwifery Education and Accreditation Council (MEAC) or a national accrediting organization approved by the board.

Subd. 4. [BOARD.] "Board" means the board of medical practice.

Subd. 5. [CONTACT HOUR.] "Contact hour" means 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities, of a board-approved learning experience either through an instructional session or clinical practice.

Subd. 6. [CREDENTIAL.] "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of traditional midwifery in this state or any other state.

Subd. 7. [CREDENTIALING EXAMINATION.] "Credentialing examination" means an examination administered by the North American Registry of Midwives (NARM) or other national testing organization approved by the board for credentialing as a licensed traditional midwife. A credentialing examination must include a written examination and a skills assessment.

Subd. 8. [NORMAL PREGNANCY.] "Normal pregnancy" means a pregnancy that is progressing and proceeding spontaneously without the need for medical intervention or the use of instruments and where spontaneous onset of labor occurs between 36 and 42 weeks.

Subd. 9. [TRADITIONAL MIDWIFERY SERVICES.] "Traditional midwifery services" means the assessment and care of a woman and newborn during pregnancy, labor, birth, and the postpartum period outside a licensed health facility.

Subd. 10. [TRANSFER OF CARE.] "Transfer of care" means transferring, during the course of pregnancy, the responsibility of providing services to a client from the traditional midwife to a licensed health care provider.

Subd. 11. [TRANSPORT.] "Transport" means the transferring during labor, birth, or the postpartum period of the client from a home setting to a licensed hospital.

Sec. 2. [147D.03] [MIDWIFERY.]

Subdivision 1. [GENERAL.] Within the meaning of sections 147D.01 to 147D.27, a person who shall publicly profess to be a traditional midwife and who, for a fee, shall assist or attend to a woman in pregnancy, childbirth outside a licensed health facility, and postpartum, shall be regarded as practicing traditional midwifery.

Subd. 2. [SCOPE OF PRACTICE.] The practice of traditional midwifery includes, but is not limited to:

- (1) initial and ongoing assessment for suitability of traditional midwifery care;
- (2) coordinating with a licensed health care provider comprehensive prenatal care with attention to the physical, nutritional, and emotional needs of the woman and her family;
- (3) attending and supporting the natural process of labor and birth, including routine monitoring of vital signs, indicators of fetal development, and routine laboratory tests, as needed;
- (4) postpartum care of the mother and newborn, including physical and emotional assessment; and
- (5) providing information and referrals to community resources on childbirth preparation, breast-feeding, exercise, nutrition, parenting, and care of the newborn.

Subd. 3. [UNAUTHORIZED SERVICES.] The practice of traditional midwifery does not include:

- (1) the use of any instrument at a childbirth, except as necessary to sever the umbilical cord or repair a first or second degree perineal laceration;
- (2) the assisting of childbirth by artificial or mechanical means; or
- (3) the removal of a placenta accreta.

Sec. 3. [147D.05] [PROFESSIONAL CONDUCT.]

Subdivision 1. [PRACTICE STANDARDS.] A licensed traditional midwife shall provide an initial and ongoing screening to ensure that each client receives safe and appropriate care. A licensed traditional midwife shall only accept and provide care to those women who are expected to have a normal pregnancy, labor, and delivery. As part of the initial screening to determine whether any contraindications are present, the licensed traditional midwife must take a detailed health history that includes the woman's social, medical, surgical, menstrual, gynecological, contraceptive, obstetrical, family, nutritional, and drug/chemical use histories. If a licensed traditional midwife determines at any time during the course of the pregnancy that a woman's condition may preclude attendance by a licensed traditional midwife, the licensed traditional midwife must refer the client to a licensed physician or a certified nurse midwife. As part of the initial and ongoing screening, a licensed traditional midwife must recommend that the client receive the following services, if necessary, from an appropriate health care provider:

(1) initial laboratory pregnancy screening, including blood group and type, antibody screen, Indirect Coombs, rubella titer, CBC with differential and syphilis serology;

(2) gonorrhea and chlamydia cultures;

(3) screening for sickle cell, if indicated;

(4) screening for hepatitis B and human immunodeficiency virus (HIV), if indicated;

(5) maternal serum alpha-fetoprotein test and ultrasound;

(6) Rh antibody and glucose screening at 28 weeks gestation;

(7) screening for phenylketonuria;

(8) Rh screening of the infant for maternal RhoGAM treatment, if indicated; and

(9) screening for premature labor.

Subd. 2. [WRITTEN PLAN.] A licensed traditional midwife must prepare a written plan with each client to ensure continuity of care throughout pregnancy, labor, and delivery. The written plan must incorporate the conditions under which the medical consultation plan, including the transfer of care or transport of the client, may be implemented.

Subd. 3. [HEALTH REGULATIONS.] A licensed traditional midwife must comply with all applicable state and municipal requirements regarding public health.

Subd. 4. [CLIENT RECORDS.] A licensed traditional midwife must maintain a client record on each client, including:

(1) a copy of the informed consent form described in section 147D.07;

(2) evidence of an initial client screening described in this section;

(3) a copy of the written plan described in subdivision 2;

(4) a record of prenatal and postpartum care provided to the client at each visit; and

(5) a detailed record of the labor and delivery process.

Subd. 5. [DATA.] All records maintained on each client by a traditional midwife are subject to section 144.335.

Sec. 4. [147D.07] [INFORMED CONSENT.]

Subdivision 1. [GENERAL.] Before providing any services to a client, a licensed traditional midwife must:

- (1) advise the client of the information contained in the informed consent form;
- (2) provide the client with an informed consent form; and
- (3) have the form returned with the client's signature attesting that the client understands the consent form and the information contained in the form.

Subd. 2. [CONTENTS.] The informed consent form must be written in language understandable to the client and, at a minimum, must contain the following:

- (1) name, address, telephone number, and license number of the licensed traditional midwife;
- (2) a description of the licensed traditional midwife's education, training, and experience in traditional midwifery;
- (3) the licensed traditional midwife's fees and method of billing;
- (4) the right of the client to file a complaint with the board and the procedures for filing a complaint;
- (5) a description of the licensed traditional midwife's medical consultation plan and the antepartum, intrapartum, and postpartum conditions requiring consultation, transfer of care, or transport to a hospital facility;
- (6) the scope of care and services to be provided to the client by the licensed traditional midwife;
- (7) the available alternatives to traditional midwifery care;
- (8) a statement indicating that the client's records and any transaction with the licensed traditional midwife are confidential;
- (9) a notice that reads: "We realize that there are risks associated with home birth, including the risk of death or disability of either mother or child. We understand that a situation may arise, which requires emergency medical care and that it may not be possible to transport the mother and/or baby to the hospital in time to benefit from such care. We fully accept the outcome and consequences of our decision to have a licensed traditional midwife attend us during pregnancy and at our birth. We realize that our traditional midwife is not licensed to practice medicine. We are not seeking a licensed physician or certified nurse midwife as the primary caregiver for this pregnancy, and we understand that our midwife shall inform us of any observed signs or symptoms of disease, which may require evaluation, care, or treatment by a medical practitioner. We agree that we are totally responsible for obtaining qualified medical assistance for the care of any disease or pathological condition.";
- (10) the right of a client to refuse services unless otherwise provided by law;
- (11) a disclosure of whether the licensed traditional midwife carries malpractice or liability insurance; and
- (12) the client and licensed traditional midwife signatures and date of signing.

Subd. 3. [FILING.] The licensed traditional midwife must have a signed informed consent form on file for each client. Upon request, the licensed traditional midwife must provide a copy of the informed consent form to the board.

Sec. 5. [147D.09] [LIMITATIONS OF PRACTICE.]

(a) A licensed traditional midwife shall not prescribe, dispense, or administer prescription drugs, except as permitted under paragraph (b).

(b) A licensed traditional midwife may administer vitamin K either orally or through intramuscular injection, postpartum antihemorrhagic drugs under emergency situations, local anesthetic, oxygen, and a prophylactic eye agent to the newborn infant.

(c) A licensed traditional midwife shall not perform any operative or surgical procedures except for suture repair of first or second degree perineal lacerations.

Sec. 6. [147D.11] [MEDICAL CONSULTATION PLAN.]

(a) To be eligible for licensure as a traditional midwife, an applicant must develop a medical consultation plan. The plan must describe guidelines and under what conditions the plan is to be implemented for:

(1) consultation with a licensed physician or certified nurse midwife;

(2) the transfer of care to a licensed physician or a certified nurse midwife; and

(3) immediate transport to a licensed hospital with the capabilities of providing neonatal intensive care and obstetrical care.

(b) The conditions requiring the implementation of the medical consultation plan must meet at a minimum the conditions established by the Minnesota Midwives Guild in the Standards of Care and Certification Guide, First Edition.

Sec. 7. [147D.13] [REPORTING.]

Subdivision 1. [PRACTICE REPORT.] (a) A licensed traditional midwife must compile a summary report on each client. The report must include the following:

(1) vital statistics;

(2) scope of care administered;

(3) whether the medical consultation plan was implemented; and

(4) any physician or other health care provider referrals made.

(b) The board may review these reports at any time upon request.

Subd. 2. [PUBLIC HEALTH REPORT.] A licensed traditional midwife must promptly report to the commissioner of health and to the board any maternal, fetal, or neonatal mortality or morbidity.

Subd. 3. [DISCIPLINARY ACTION.] A licensed traditional midwife must report to the board termination, revocation, or suspension of the licensed traditional midwife's certification or any disciplinary action taken against the licensed traditional midwife by the North American Registry of Midwives.

Sec. 8. [147D.15] [PROTECTED TITLES.]

Subdivision 1. [PROTECTED TITLES.] No person may use the title "licensed traditional midwife," or "licensed midwife," or use, in connection with the person's name, the letters "LTM," "LM," or any other titles, words, letters, abbreviations, or insignia indicating or implying that the person is licensed or eligible for licensure by the state as a traditional midwife unless the person has been licensed as a traditional midwife according to this chapter.

Subd. 2. [OTHER HEALTH CARE PRACTITIONERS; STUDENTS.] (a) A physician licensed under chapter 147 and a registered nurse or certified nurse midwife licensed under sections 148.171 to 148.285 are exempt from this chapter.

(b) Nothing in this chapter shall be construed to require licensure of a traditional midwifery student enrolled in an approved education program.

Subd. 3. [PENALTY.] A person who violates this section is guilty of a misdemeanor.

Subd. 4. [EXCEPTIONS.] Nothing in this chapter shall be construed to limit gratuitous traditional midwifery services provided by family members or members of the same religious community.

Sec. 9. [147D.17] [LICENSURE REQUIREMENTS.]

Subdivision 1. [GENERAL REQUIREMENTS FOR LICENSURE.] To be eligible for licensure, an applicant, with the exception of those seeking licensure by reciprocity under subdivision 2, must:

(1) submit a completed application on forms provided by the board along with all fees required under section 147D.27 that includes:

(i) the applicant's name, social security number, home address and telephone number, and business address and telephone number;

(ii) a list of degrees received from educational institutions;

(iii) a description of the applicant's professional training;

(iv) a list of registrations, certifications, and licenses held in other jurisdictions;

(v) a description of any other jurisdiction's refusal to credential the applicant;

(vi) a description of all professional disciplinary actions initiated against the applicant in any jurisdiction; and

(vii) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

(2) submit a diploma from an approved education program or submit evidence of having completed an apprenticeship;

(3) submit a verified copy of a valid and current credential, issued by the North American Registry of Midwives or other board-approved national organization, as a certified professional midwife;

(4) submit current certification from the American Heart Association or the American Red Cross to perform adult and infant cardiopulmonary resuscitation;

(5) submit a copy of the applicant's medical consultation plan;

(6) submit documentation verifying that the applicant has the following practical experience through an apprenticeship or other supervisory setting:

(i) the provision of 75 prenatal examinations, including 20 initial examinations;

(ii) supervised participation in 20 births;

(iii) participation as the primary birth attendant under the supervision of a licensed traditional midwife at an additional 20 births, ten of which must have occurred outside a state licensed health care facility;

(iv) 20 newborn examinations; and

(v) 40 postpartum examinations;

(7) submit additional information as requested by the board, including any additional information necessary to ensure that the applicant is able to practice with reasonable skill and safety to the public;

(8) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief; and

(9) sign a waiver authorizing the board to obtain access to the applicant's records in this or any other state in which the applicant has completed an approved education program or engaged in the practice of traditional midwifery.

Subd. 2. [LICENSURE BY RECIPROCITY.] To be eligible for licensure by reciprocity, the applicant must be credentialed by the North American Registry of Midwives or other board-approved organization and must:

(1) submit the application materials and appropriate fees as required under subdivision 1, clauses (1), (3), (4), (5), (6), (7), (8), and (9); and section 147D.27;

(2) provide a verified copy from the appropriate body of a current and unrestricted credential for the practice of traditional midwifery in another jurisdiction that has initial credentialing requirements equivalent to or higher than the requirements in subdivision 1; and

(3) provide letters of verification from the appropriate government body in each jurisdiction in which the applicant holds a credential. Each letter must state the applicant's name, date of birth, credential number, date of issuance, a statement regarding disciplinary actions, if any, taken against the applicant, and if the applicant is in good standing in that jurisdiction.

Subd. 3. [TEMPORARY PERMIT.] The board may issue a temporary permit to practice as a traditional midwife to an applicant eligible for licensure under this section if the application for licensure is complete, all applicable requirements in this section have been met, and a nonrefundable fee set by the board has been paid. The permit remains valid only until the meeting of the board at which a decision is made on the traditional midwife's application for licensure.

Subd. 4. [LICENSURE BY EQUIVALENCY DURING TRANSITION PERIOD.] (a) From July 1, 1999, to July 1, 2001, a traditional midwife may qualify for licensure if the traditional midwife has engaged in the practice of traditional midwifery in this state for at least five years in the period from July 1, 1994, to June 30, 1999, and submits documentation verifying the practical experience described in subdivision 1, clause (6). To be eligible for licensure under this subdivision, the traditional midwife must also submit the application materials and the appropriate fees required under subdivision 1, clauses (1), (4), (5), (6), (7), (8), and (9), and section 147D.27.

(b) Application for licensure under this subdivision must be submitted to the board between July 1, 1999, and June 30, 2001. Licensure under this subdivision may be renewed once. Within a two-year period from the date a license is issued by the board in accordance with this subdivision, the traditional midwife must obtain a certification from the North American Registry of Midwives as a certified professional midwife. If certification is not obtained within this time period, the traditional midwife must obtain a new license by applying for licensure and fulfilling the requirements then in existence for obtaining an initial license as a traditional midwife.

Subd. 5. [LICENSE EXPIRATION.] Licenses issued under this chapter expire annually.

Subd. 6. [RENEWAL.] To be eligible for license renewal, a licensee must:

(1) complete a renewal application on a form provided by the board;

(2) submit the renewal fee;

(3) provide evidence every three years of a total of 30 hours of continuing education approved by the board as described in section 147D.21;

(4) submit evidence of an annual review and update of the licensed traditional midwife's medical consultation plan; and

(5) submit any additional information requested by the board. The information must be submitted within 30 days after the board's request, or the renewal request is nullified.

Subd. 7. [CHANGE OF ADDRESS.] A licensee who changes addresses must inform the board within 30 days, in writing, of the change of address. All notices or other correspondence mailed to or served on a licensee by the board at the licensee's address on file with the board shall be considered as having been received by the licensee.

Subd. 8. [LICENSE RENEWAL NOTICE.] At least 30 days before the license renewal date, the board shall send out a renewal notice to the last known address of the licensee on file. The notice must include a renewal application and a notice of fees required for renewal. It must also inform the licensee that licensure will expire without further action by the board if an application for license renewal is not received before the deadline for renewal. The licensee's failure to receive this notice shall not relieve the licensee of the obligation to meet the deadline and other requirements for license renewal. Failure to receive this notice is not grounds for challenging expiration of licensure status.

Subd. 9. [RENEWAL DEADLINE.] The renewal application and fee must be postmarked on or before July 1 or as determined by the board. If the postmark is illegible, the application shall be considered timely if received by the third working day after the deadline.

Subd. 10. [INACTIVE STATUS AND RETURN TO ACTIVE STATUS.] (a) A license may be placed in inactive status upon application to the board by the licensee and upon payment of an inactive status fee.

(b) Licensees seeking restoration to active from inactive status must pay the current renewal fees and all unpaid back inactive fees. They must meet the criteria for renewal specified in subdivision 6, including continuing education hours equivalent to one hour for each month of inactive status, prior to submitting an application to regain licensure status. If the inactive status extends beyond five years, a qualifying score on a credentialing examination, or completion of an advisory council-approved eight-week supervised practical experience, is required. If the licensee intends to regain active licensure by means of eight weeks of advisory council-approved practical experience, the licensee shall be granted temporary licensure for a period of no longer than six months.

Subd. 11. [LICENSURE FOLLOWING LAPSE OF LICENSURE STATUS FOR TWO YEARS OR LESS.] For any individual whose licensure status has lapsed for two years or less, to regain licensure status, the individual must:

(1) apply for license renewal according to subdivision 6;

(2) document compliance with the continuing education requirements of section 147D.21 since the licensee's initial licensure or last renewal; and

(3) submit the fees required under section 147D.27 for the period not licensed, including the fee for late renewal.

Subd. 12. [CANCELLATION DUE TO NONRENEWAL.] The board shall not renew, reissue, reinstate, or restore a license that has lapsed and has not been renewed within two licensure renewal cycles starting July 1999. A licensee whose license is canceled for nonrenewal must obtain a new license by applying for licensure and fulfilling all requirements then in existence for initial licensure as a traditional midwife.

Subd. 13. [CANCELLATION OF LICENSURE IN GOOD STANDING.] (a) A licensee holding an active license as a traditional midwife in the state may, upon approval of the board, be granted licensure cancellation if the board is not investigating the person as a result of a complaint or information received or if the board has not begun disciplinary proceedings against the licensee. Such action by the board shall be reported as a cancellation of licensure in good standing.

(b) A licensee who receives board approval for licensure cancellation is not entitled to a refund of any license fees paid for the licensure period in which cancellation of the license occurred.

(c) To obtain licensure after cancellation, a licensee must obtain a new license by applying for licensure and fulfilling the requirements then in existence for obtaining an initial license as a traditional midwife.

Sec. 10. [147D.19] [BOARD ACTION ON APPLICATIONS FOR LICENSURE.]

(a) The board shall act on each application for licensure according to paragraphs (b) to (d).

(b) The board shall determine if the applicant meets the requirements for licensure under section 147D.17. The board or advisory council may investigate information provided by an applicant to determine whether the information is accurate and complete.

(c) The board shall notify each applicant in writing of action taken on the application, the grounds for denying licensure if licensure is denied, and the applicant's right to review under paragraph (d).

(d) Applicants denied licensure may make a written request to the board, within 30 days of the board's notice, to appear before the advisory council and for the advisory council to review the board's decision to deny the applicant's license. After reviewing the denial, the advisory council shall make a recommendation to the board as to whether the denial shall be affirmed. Each applicant is allowed only one request for review per licensure period.

Sec. 11. [147D.21] [CONTINUING EDUCATION REQUIREMENTS.]

Subdivision 1. [NUMBER OF REQUIRED CONTACT HOURS.] Three years after the date of initial licensure and every three years thereafter, a licensee must complete a minimum of 30 contact hours of board-approved continuing education and attest to completion of continuing education requirements by reporting to the board. At least five contact hours within a three-year reporting period must involve adult cardiopulmonary resuscitation and either infant cardiopulmonary resuscitation or neonatal advanced life support.

Subd. 2. [APPROVAL OF CONTINUING EDUCATION PROGRAMS.] The board shall approve continuing education programs that meet the following criteria:

(1) the program content directly relates to the practice of traditional midwifery;

(2) each member of the program faculty is knowledgeable in the subject matter as demonstrated by a degree from an accredited education program, verifiable experience in the field of traditional midwifery, special training in the subject matter, or experience teaching in the subject area;

(3) the program lasts at least one contact hour;

(4) there are specific, measurable, written objectives, consistent with the program, describing the expected outcomes for the participants; and

(5) the program sponsor has a mechanism to verify participation and maintains attendance records for three years.

Subd. 3. [CONTINUING EDUCATION TOPICS.] Continuing education program topics may include, but are not limited to, traditional midwifery care in the prenatal, labor, birth, and postpartum and newborn periods; assessing contraindications; care in emergency situations; ethics; and nutrition.

Subd. 4. [ACCUMULATION OF CONTACT HOURS.] A licensee may not apply contact hours acquired in one three-year reporting period to a future continuing education reporting period.

Subd. 5. [VERIFICATION OF CONTINUING EDUCATION CREDITS.] The board shall periodically select a random sample of licensees and require those licensees to supply the board with evidence of having completed the continuing education to which they attested. Documentation may come directly from the licensee or from state or national organizations that maintain continuing education records.

Sec. 12. [147D.23] [DISCIPLINE; REPORTING.]

For purposes of this chapter, licensees and applicants are subject to the provisions of sections 147.091 to 147.162.

Sec. 13. [147D.25] [ADVISORY COUNCIL ON TRADITIONAL MIDWIFERY.]

Subdivision 1. [MEMBERSHIP.] The board shall appoint a five-member advisory council on traditional midwifery. One member shall be a licensed physician appointed from a list of names submitted to the board by the Minnesota Medical Association. Three members shall be licensed traditional midwives appointed from a list of names submitted to the board by Midwifery Now. One member shall be a homebirth parent appointed from a list of names submitted to the board by Minnesota Families for Midwifery.

Subd. 2. [ORGANIZATION.] The advisory council shall be organized and administered under section 15.059. The council expires June 30, 2003.

Subd. 3. [DUTIES.] The advisory council shall:

- (1) advise the board regarding standards for traditional midwives;
- (2) provide for distribution of information regarding licensed traditional midwifery practice standards;
- (3) advise the board on enforcement of this chapter;
- (4) review applications and recommend granting or denying licensure or license renewal;
- (5) advise the board on issues related to receiving and investigating complaints, conducting hearings, and imposing disciplinary action in relation to complaints against licensed traditional midwives;
- (6) advise the board regarding approval of continuing education programs using the criteria in section 147D.21, subdivision 2; and
- (7) perform other duties authorized for advisory councils by chapter 214, as directed by the board.

Sec. 14. [147D.27] [FEES.]

Subdivision 1. [LICENSURE FEE.] The license application fee is \$100. The fee for initial licensure and annual renewal is \$100. The fee for inactive status is \$50. The fee for a temporary permit is \$75.

Subd. 2. [PRORATION OF FEES.] The board may prorate the initial licensure fee. All licensees are required to pay the full fee upon license renewal.

Subd. 3. [PENALTY FEE FOR LATE RENEWALS.] An application for license renewal submitted after the deadline must be accompanied by a late fee of \$75 in addition to the required fees.

Subd. 4. [NONREFUNDABLE FEES.] The fees in this section are nonrefundable.

Sec. 15. [APPROPRIATION.]

\$8,000 in fiscal year 2000 and \$4,000 in fiscal year 2001 is appropriated from the state government special revenue fund to the board of medical practice to administer Minnesota Statutes, chapter 147D.

Sec. 16. [REPEALER.]

Minnesota Statutes 1998, sections 148.30; 148.31; and 148.32, are repealed.

Minnesota Rules, parts 5600.2000; and 5600.2100, are repealed."

Delete the title and insert:

"A bill for an act relating to health occupations; clarifying licensure requirements for the practice of midwifery; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 147D; repealing Minnesota Statutes 1998, sections 148.30; 148.31; and 148.32; Minnesota Rules, parts 5600.2000; and 5600.2100."

The motion prevailed and the amendment was adopted.

Abeler moved to amend S. F. No. 383, as amended, as follows:

Page 2, line 16, delete "36" and insert "37"

Page 2, line 27, delete "licensed" and after "hospital" insert "facility"

Page 3, line 3, after "(2)" insert "providing prenatal education and" and after "provider" insert "as necessary to provide"

Page 3, line 10, after "and" insert "an initial assessment of the" and delete ", including"

Page 3, line 11, delete everything before the semicolon

Page 6, line 2, delete "home"

Page 7, line 13, delete "licensed" and "with the" and after "hospital" insert "facility"

Page 7, delete line 14

Page 7, line 15, delete everything before the period

Page 7, line 22, after "must" insert "complete and file a birth certificate and"

Page 8, line 20, after "program" insert "or apprenticeship"

Page 8, line 24, delete "gratuitous"

The motion prevailed and the amendment was adopted.

Greenfield was excused between the hours of 1:20 p.m. and 3:05 p.m.

S. F. No. 383, A bill for an act relating to health occupations; clarifying licensure requirements for the practice of midwifery; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 147D; repealing Minnesota Statutes 1998, sections 148.30; 148.31; and 148.32; Minnesota Rules, parts 5600.2000; and 5600.2100.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Lindner	Paulsen	Swenson
Abrams	Dorn	Howes	Luther	Pawlenty	Sykora
Anderson, B.	Entenza	Huntley	Mahoney	Paymar	Tingelstad
Anderson, I.	Erhardt	Jaros	Mares	Pelowski	Tomassoni
Bakk	Erickson	Jennings	Mariani	Peterson	Trimble
Biernat	Finseth	Johnson	Marko	Pugh	Tuma
Bishop	Folliard	Juhnke	McCollum	Rest	Tunheim
Boudreau	Fuller	Kahn	McElroy	Reuter	Van Dellen
Bradley	Gerlach	Kalis	McGuire	Rhodes	Vandever
Broecker	Gleason	Kelliher	Milbert	Rifenberg	Wagenius
Buesgens	Goodno	Kielkucki	Molnau	Rostberg	Wejzman
Carlson	Gray	Knoblach	Mullery	Rukavina	Wenzel
Carruthers	Greiling	Koskinen	Murphy	Schumacher	Westerberg
Cassell	Gunther	Krinkie	Ness	Seagren	Westrom
Chaudhary	Haake	Kubly	Nornes	Seifert, J.	Wilkin
Clark, J.	Haas	Kuisle	Olson	Seifert, M.	Winter
Clark, K.	Hackbarth	Larsen, P.	Opatz	Skoglund	Wolf
Daggett	Harder	Larson, D.	Orfield	Smith	Workman
Davids	Hasskamp	Leighton	Osskopp	Solberg	Spk. Sviggum
Dawkins	Hausman	Lenczewski	Osthoff	Stanek	
Dehler	Hilty	Leppik	Otremba	Stang	
Dempsey	Holberg	Lieder	Ozment	Storm	

Those who voted in the negative were:

Mulder Skoe

The bill was passed, as amended, and its title agreed to.

S. F. No. 296, A bill for an act relating to education; modifying student disciplinary provisions relating to children with disabilities; modifying special education provisions; providing for rulemaking; amending Minnesota Statutes 1998, sections 121A.41, subdivision 10; 121A.43; 125A.023; 125A.027; 125A.03; 125A.09, subdivision 6; 125A.10; 125A.18; 125A.24; and 125A.75, subdivision 8; repealing Laws 1998, chapter 398, article 2, section 53; Minnesota Rules, part 3525.2470.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Howes	Luther	Paulsen	Storm
Abrams	Dorn	Huntley	Mahoney	Pawlentz	Swenson
Anderson, B.	Entenza	Jaros	Mares	Paymar	Sykora
Anderson, I.	Erhardt	Jennings	Mariani	Pelowski	Tingelstad
Bakk	Erickson	Johnson	Marko	Peterson	Tomassoni
Biernat	Finseth	Juhnke	McCollum	Pugh	Trimble
Bishop	Folliard	Kahn	McElroy	Rest	Tuma
Boudreau	Fuller	Kalis	McGuire	Reuter	Tunheim
Bradley	Gerlach	Kelliher	Milbert	Rhodes	Van Dellen
Broecker	Gleason	Kielkucki	Molnau	Rifenberg	Vandever
Buesgens	Goodno	Knoblach	Mulder	Rostberg	Wagenius
Carlson	Greiling	Koskinen	Mullery	Rukavina	Wejzman
Carruthers	Gunther	Krinkie	Murphy	Schumacher	Wenzel
Cassell	Haake	Kubly	Ness	Seagren	Westerberg
Chaudhary	Haas	Kuisle	Nornes	Seifert, J.	Westrom
Clark, J.	Hackbarth	Larsen, P.	Olson	Seifert, M.	Wilkin
Clark, K.	Harder	Larson, D.	Opatz	Skoe	Winter
Daggett	Hasskamp	Leighton	Orfield	Skoglund	Wolf
Davids	Hausman	Lenczewski	Osskopp	Smith	Workman
Dawkins	Hilty	Leppik	Osthoff	Solberg	Spk. Sviggum
Dehler	Holberg	Lieder	Otremba	Stanek	
Dempsey	Holsten	Lindner	Ozment	Stang	

The bill was passed, as amended, and its title agreed to.

S. F. No. 834 was reported to the House.

Tingelstad moved to amend S. F. No. 834 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 863, the first engrossment:

"Section 1. Minnesota Statutes 1998, section 259.52, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT OF REGISTRY; PURPOSE; FEES.] (a) The commissioner of health shall establish a fathers' adoption registry for the purpose of determining the identity and location of a putative father interested in a minor child who is, or is expected to be, the subject of an adoption proceeding, in order to provide notice of the adoption proceeding to the putative father who is not otherwise entitled to notice under section 259.49, subdivision 1, paragraph (a) or (b), clauses (1) to (7). The commissioner of health may establish informational material and public service announcements necessary to implement this section. Any limitation on a putative father's right to assert an interest in the child as provided in this section applies only in adoption proceedings and only to those putative fathers not entitled to notice and consent under sections 259.24 and 259.49, subdivision 1, paragraph (a) or (b), clauses (1) to (7). The commissioner of health has no independent obligation to gather or update the information to be maintained on the registry. It is the registrant's responsibility to update his personal information on the registry.

(b) The fathers' adoption registry must contain the following information:

(1) with respect to the putative father, the:

(i) name, including any other names by which the putative father may be known and that he may provide to the registry;

(ii) address at which he may be served with notice of a petition under this chapter, including any change of address;

(iii) social security number, if known;

(iv) date of birth; and

(v) if applicable, a certified copy of an order by a court of another state or territory of the United States adjudicating the putative father to be the father of this child;

(2) with respect to the mother of the child:

(i) name, including all other names known to the putative father by which the mother may be known;

(ii) if known to the putative father, her last address;

(iii) social security number, if known; and

(iv) date of birth;

(3) if known to the putative father, the name, gender, place of birth, and date of birth or anticipated date of birth of the child;

(4) the date that the commissioner of health received the putative father's registration; and

(5) other information the commissioner of health determines by rule to be necessary for the orderly administration of the registry. For purposes of clause (4), "date" means the postmark date or the date of delivery by means other than United States mail to the address specified on the registration form.

(c) The commissioner of health shall notify the mother of the child whenever a putative father has registered with the father's adoption registry under this section. Notice shall be sent to the name and address submitted by the putative father under paragraph (b), clause (2). If no current address for the mother is submitted by the putative father under paragraph (b), clause (2), the commissioner of health shall not notify the mother. The commissioner of health has no independent obligation to locate the mother. The notice shall be mailed within 14 days of the date that the commissioner received the putative father's adoption registration unless a search has been requested under subdivision 2. There shall be no charge to the birth mother for this notice.

(d) The commissioner of health shall set reasonable fees for the use of the registry; however, a putative father shall not be charged a fee for registering. Revenues generated by the fee must be deposited in the state government special revenue fund and appropriated to the commissioner of health to administer the fathers' adoption registry.

Sec. 2. Minnesota Statutes 1998, section 259.52, subdivision 4, is amended to read:

Subd. 4. [CLASSIFICATION OF REGISTRY DATA.] Data in the fathers' adoption registry, including all data provided in requesting the search of the registry, are private data on individuals, as defined in section 13.02, subdivision 2, and are nonpublic data with respect to data not on individuals, as defined in section 13.02, subdivision 9. Data in the registry may be released to:

(1) a person who is required to search the registry under subdivision 2, if the data relate to the child who is or may be the subject of the adoption petition;

(2) the mother of the child listed on the putative father's registration form who the commissioner of health is required to notify under subdivision 1, paragraph (c); ~~or~~

(3) a public authority as provided in subdivision 3; or

(4) an attorney who has signed an affidavit provided by the department of health attesting that the attorney represents the birth mother or the adoptive parents.

A person who receives data under this subdivision may use the data only for purposes authorized under this section or other law.

Sec. 3. Minnesota Statutes 1998, section 259.52, subdivision 7, is amended to read:

Subd. 7. [WHEN AND HOW TO REGISTER.] A putative father may register with the department of health before the birth of the child but must register no later than 30 days after the birth of the child. Registrations must be in writing and signed by the putative father. A registration is timely filed if it is postmarked or delivered by means other than United States mail to the address specified on the registration form no later than 30 days after the birth of the child.

Sec. 4. Minnesota Statutes 1998, section 259.52, subdivision 9, is amended to read:

Subd. 9. [NOTICE AND SERVICE FOR THOSE ON FATHERS' ADOPTION REGISTRY WHO ARE NOT OTHERWISE ENTITLED TO NOTICE.] Any time after conception, an interested party, including persons intending to adopt a child, a child welfare agency with whom the mother has placed or has given written notice of her intention to place a child for adoption, the mother of a child, or any attorney representing an interested party, may serve by certified mail a notice to registered putative father, an intent to claim parental rights form, a denial of paternity form, and a consent to adoption form pursuant to subdivision 11. These documents may be served on a putative father in the same manner as a summons is served in other civil proceedings, or, in lieu of personal service, service may be made as follows:

(a) The interested party or that party's attorney shall mail to the putative father, at the address provided to the registry, the copy of the notice to registered putative father, the intent to claim parental rights form, the denial of paternity form, and the consent to adoption form by certified mail, return receipt requested, and shall provide notice of the jurisdiction in which the adoption petition will be filed. The receipt for certified mail must state the name and address of the addressee and the date of mailing and must be attached to the original notice.

(b) The return receipt, when filed with the court, must be attached to the original notice to registered putative father, the intent to claim parental rights form, the denial of paternity form, and the consent to adoption form and constitutes proof of service.

(c) The court administrator shall note the fact of service in a permanent record.

Sec. 5. Minnesota Statutes 1998, section 259.52, subdivision 10, is amended to read:

Subd. 10. [RESPONSE TO NOTICE TO REGISTERED PUTATIVE FATHER; LIMITATION OF RIGHTS FOR FAILURE TO RESPOND AND UPON FILING OF DENIAL OF PATERNITY.] Within 30 days of receipt of the notice to registered putative father, the intent to claim parental rights form, the denial of paternity form, and the consent to adoption form, the putative father must file a completed intent to claim parental rights ~~with entry of appearance~~ form with the court administrator in the county in which the adoption petition will be filed as provided by the petitioner, stating that he intends to initiate a paternity action within 30 days of receipt of the notice to registered putative father in order to preserve the right to maintain an interest in the child and receive notice during the pending adoption proceeding. Failure to initiate a paternity action within 30 days of receipt of the notice to registered putative father does not act as a bar to receiving notice under section 259.49. If good cause is shown, the

putative father must be allowed more time to initiate the paternity action. A putative father who files a completed denial of paternity form and consent to adoption form or who fails to timely file an intent to claim parental rights form with the court:

(1) is barred from later bringing or maintaining an action to assert any interest in the child during the pending adoption proceeding concerning the child;

(2) is considered to have waived and surrendered a right to notice of a hearing in any judicial proceeding for adoption of the child, and consent of that person to the adoption of the child is not required; and

(3) is considered to have abandoned the child.

Failure to register is prima facie evidence of sufficient grounds to support termination of the putative father's parental rights.

Sec. 6. Minnesota Statutes 1998, section 259.52, subdivision 11, is amended to read:

Subd. 11. [FORMS.] The office of the state court administrator shall develop the following forms:

(1) notice to registered putative father;

(2) intent to claim parental rights;

(3) denial of paternity; ~~and~~

(4) consent to adoption; and

(5) notice to registered putative father of the county in which the adoption petition will be filed.

Sec. 7. Minnesota Statutes 1998, section 259.58, is amended to read:

259.58 [COMMUNICATION OR CONTACT AGREEMENTS.]

Adoptive parents and a birth relative or foster parents may enter an agreement regarding communication with or contact between an adopted minor, adoptive parents, and a birth relative or foster parents under this section. An agreement may be entered between:

(1) adoptive parents and a birth parent;

(2) adoptive parents and any other birth relative or foster parent with whom the child resided before being adopted; or

(3) adoptive parents and any other birth relative if the child is adopted by a birth relative upon the death of both birth parents.

For purposes of this section, "birth relative" means a parent, stepparent, grandparent, brother, sister, uncle, or aunt of a minor adoptee. This relationship may be by blood, adoption, or marriage. For an Indian child, birth relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of laws or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act, United States Code, title 25, section 1903.

(a) An agreement regarding communication with or contact between minor adoptees, adoptive parents, and a birth relative is not legally enforceable unless the terms of the agreement are contained in a written court order entered in accordance with this section. An order ~~must~~ may be sought at ~~the same~~ any time before a ~~petition for~~ decree of

adoption is ~~filed~~ granted. The order must be issued within 30 days of being submitted to the court or by the granting of the decree of adoption, whichever is earlier. The court shall not enter a proposed order unless the terms of the order have been approved in writing by the prospective adoptive parents, a birth relative or foster parent who desires to be a party to the agreement, and, if the child is in the custody of or under the guardianship of an agency, a representative of the agency. A birth parent must approve in writing of an agreement between adoptive parents and any other birth relative or foster parent, unless an action has been filed against the birth parent by a county under chapter 260. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact between the minor adoptee, the adoptive parents, and a birth relative as agreed upon and contained in the proposed order would be in the minor adoptee's best interests. The court shall mail a certified copy of the order to the parties to the agreement or their representatives at the addresses provided by the petitioners.

(b) Failure to comply with the terms of an agreed order regarding communication or contact that has been entered by the court under this section is not grounds for:

(1) setting aside an adoption decree; or

(2) revocation of a written consent to an adoption after that consent has become irrevocable.

(c) An agreed order entered under this section may be enforced by filing a petition or motion with the family court that includes a certified copy of the order granting the communication, contact, or visitation, but only if the petition or motion is accompanied by an affidavit that the parties have mediated or attempted to mediate any dispute under the agreement or that the parties agree to a proposed modification. The prevailing party may be awarded reasonable attorney's fees and costs. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the minor adoptee, and:

(1) the modification is agreed to by the ~~adoptive parent and the birth relative~~ parties to the agreement; or

(2) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order.

Sec. 8. Minnesota Statutes 1998, section 259.60, is amended by adding a subdivision to read:

Subd. 3. [POSTADOPTION REPORT.] If a child is adopted by a resident of this state under the laws of a foreign country or if a resident of this state brings a child into the state under an IR-3 or IR-4 visa issued for the child by the United States Immigration and Naturalization Service, the postadoption reporting requirements of the country in which the child was adopted, applicable at the time of the child's adoption, must be given full faith and credit by the courts of this state and apply to the adoptive placement of that child."

The motion prevailed and the amendment was adopted.

Tingelstad moved to amend S. F. No. 834, as amended, as follows:

Page 2, line 27, before the semicolon, insert "which is the date the registration is postmarked or the date it was delivered by means other than mail to the address on the registration form"

Page 2, lines 30 to 32, delete the new language

Page 3, line 32, delete "provided by" and insert "from"

Page 3, line 33, delete "department" and insert "commissioner"

Page 3, line 34, before "adoptive" insert "prospective"

Page 4, line 8, delete "filed if it" and insert "if the date the registration"

Page 4, line 9, before "delivered" insert "the date it was" and delete "United States"

Page 4, line 10, delete "no" and insert "is not"

The motion prevailed and the amendment was adopted.

S. F. No. 834, A bill for an act relating to adoption; changing requirements and procedures for the putative fathers' adoption registry, communication or contact agreements, and postadoption reports; amending Minnesota Statutes 1998, sections 259.52, subdivisions 1, 4, 7, 9, 10, and 11; 259.58; and 259.60, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Lindner	Paulsen	Storm
Abrams	Dorn	Howes	Luther	Pawlenty	Swenson
Anderson, B.	Entenza	Huntley	Mahoney	Paymar	Sykora
Anderson, I.	Erhardt	Jaros	Mares	Pelowski	Tingelstad
Bakk	Erickson	Jennings	Marko	Peterson	Tomassoni
Biernat	Finseth	Johnson	McCollum	Pugh	Trimble
Bishop	Folliard	Juhnke	McElroy	Rest	Tuma
Boudreau	Fuller	Kahn	McGuire	Reuter	Tunheim
Bradley	Gerlach	Kalis	Milbert	Rhodes	Van Dellen
Broecker	Gleason	Kelliher	Molnau	Rifenberg	Vandever
Buesgens	Goodno	Kielkucki	Mulder	Rostberg	Wagenius
Carlson	Gray	Knoblach	Mullery	Rukavina	Wejzman
Carruthers	Greiling	Koskinen	Murphy	Schumacher	Wenzel
Cassell	Gunther	Krinkie	Ness	Seagren	Westerberg
Chaudhary	Haake	Kubly	Nornes	Seifert, J.	Westrom
Clark, J.	Haas	Kuisle	Olson	Seifert, M.	Wilkin
Clark, K.	Hackbarth	Larsen, P.	Opatz	Skoe	Winter
Daggett	Harder	Larson, D.	Orfield	Skoglund	Wolf
Davids	Hasskamp	Leighton	Osskopp	Smith	Workman
Dawkins	Hausman	Lenczewski	Osthoff	Solberg	Spk. Sviggum
Dehler	Hilty	Leppik	Otremba	Stanek	
Dempsey	Holberg	Lieder	Ozment	Stang	

The bill was passed, as amended, and its title agreed to.

H. F. No. 310 was reported to the House.

Knoblach moved to amend H. F. No. 310, the first engrossment, as follows:

Page 2, delete lines 3 and 4

Page 2, line 5, delete "(6)" and insert "(5)"

Page 2, line 8, delete "(6)" and insert "(5)"

Page 2, after line 10, insert:

"(b) Upon request, a public employer may disclose public personnel data on an individual listed in section 13.43, subdivision 2, about one of its current or former employees, to a prospective employer."

Page 2, line 11, delete "(b)" and insert "(c)"

Page 2, line 23, delete "(c)" and insert "(d)"

Page 2, line 24, delete "(b)" and insert "(c)"

The motion prevailed and the amendment was adopted.

Biernat moved to amend H. F. No. 310, the first engrossment, as amended, as follows:

Page 2, after line 24, insert:

"Subd. 3. [SCHOOL DISTRICT DISCLOSURE OF VIOLENCE OR INAPPROPRIATE SEXUAL CONTACT.] A school administrator must disclose to another school district requesting information about a current or former employee all acts of violence or inappropriate sexual contact with students documented in the personnel record that resulted in disciplinary action or resignation."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Biernat amendment and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Chaudhary	Folliard	Hilty	Koskinen	Mariani
Abrams	Clark, J.	Fuller	Holberg	Krinkie	Marko
Anderson, B.	Clark, K.	Gerlach	Holsten	Kubly	McCollum
Anderson, I.	Daggett	Gleason	Howes	Kuisle	McElroy
Bakk	Dauids	Goodno	Huntley	Larsen, P.	McGuire
Biernat	Dawkins	Gray	Jaros	Larson, D.	Milbert
Bishop	Dehler	Greiling	Jennings	Leighton	Molnau
Boudreau	Dempsey	Gunther	Johnson	Lenczewski	Mulder
Bradley	Dorman	Haake	Juhnke	Leppik	Murphy
Broecker	Dorn	Haas	Kahn	Lieder	Ness
Buesgens	Entenza	Hackbarth	Kalis	Lindner	Nornes
Carlson	Erhardt	Harder	Kelliher	Luther	Olson
Carruthers	Erickson	Hasskamp	Kielkucki	Mahoney	Opatz
Cassell	Finseth	Hausman	Knoblach	Mares	Orfield

Osthoff	Pugh	Seagren	Stang	Van Dellen	Winter
Otremba	Rest	Seifert, J.	Storm	Vandever	Wolf
Ozment	Reuter	Seifert, M.	Swenson	Wagenius	Workman
Paulsen	Rhodes	Skoe	Sykora	Wejcman	Spk. Sviggum
Pawlenty	Rifenberg	Skoglund	Tingelstad	Wenzel	
Paymar	Rostberg	Smith	Tomassoni	Westerberg	
Pelowski	Rukavina	Solberg	Trimble	Westrom	
Peterson	Schumacher	Stanek	Tunheim	Wilkin	

The motion prevailed and the amendment was adopted.

Skoglund moved to amend H. F. No. 310, the first engrossment, as amended, as follows:

Page 2, after line 24, insert:

"(d) No employer may require an employee authorizing the release of information pursuant to paragraph (b) to sign any waiver or release purporting to provide the employer with a greater level of protection from liability than otherwise provided in this section."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Skoglund amendment and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Folliard	Juhnke	Mahoney	Osthoff	Skoglund
Bakk	Gleason	Kahn	Mariani	Otremba	Solberg
Biernat	Greiling	Kalis	Marko	Paymar	Tomassoni
Carlson	Hasskamp	Kelliher	McCollum	Pelowski	Trimble
Carruthers	Hausman	Koskinen	McGuire	Peterson	Tunheim
Chaudhary	Hilty	Larson, D.	Milbert	Pugh	Wagenius
Clark, K.	Huntley	Leighton	Mullery	Rest	Wejcman
Dawkins	Jaros	Lenczewski	Murphy	Rukavina	Wenzel
Dorn	Jennings	Lieder	Opatz	Schumacher	Winter
Entenza	Johnson	Luther	Orfield	Skoe	

Those who voted in the negative were:

Abeler	Clark, J.	Fuller	Holberg	Leppik	Osskopp
Abrams	Daggett	Gerlach	Holsten	Lindner	Ozment
Anderson, B.	Davids	Goodno	Howes	Mares	Paulsen
Bishop	Dehler	Gray	Kielkucki	McElroy	Pawlenty
Boudreau	Dempsey	Gunther	Knoblach	Molnau	Reuter
Bradley	Dorman	Haake	Krinkie	Mulder	Rhodes
Broecker	Erhardt	Haas	Kubly	Ness	Rifenberg
Buesgens	Erickson	Hackbarth	Kuisle	Nornes	Rostberg
Cassell	Finseth	Harder	Larsen, P.	Olson	Seagren

Seifert, J.	Stanek	Swenson	Tuma	Westerberg	Wolf
Seifert, M.	Stang	Sykora	Van Dellen	Westrom	Workman
Smith	Storm	Tingelstad	Vandever	Wilkin	Spk. Sviggum

The motion did not prevail and the amendment was not adopted.

The Speaker called Boudreau to the Chair.

H. F. No. 310, A bill for an act relating to employment; providing protection for disclosure of job reference information; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 85 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holberg	Mares	Rhodes	Tuma
Abrams	Dorman	Holsten	McElroy	Rifenberg	Van Dellen
Anderson, B.	Dorn	Howes	McGuire	Rostberg	Vandever
Biernat	Erhardt	Jennings	Molnau	Schumacher	Wenzel
Bishop	Erickson	Juhnke	Mulder	Seagren	Westerberg
Boudreau	Finseth	Kalis	Ness	Seifert, J.	Westrom
Bradley	Fuller	Kelliher	Nornes	Seifert, M.	Wilkin
Broecker	Gerlach	Kielkucki	Olson	Skoe	Wolf
Buesgens	Goodno	Knobloch	Opatz	Smith	Workman
Carruthers	Greiling	Krinkie	Osskopp	Stanek	Spk. Sviggum
Cassell	Gunther	Kubly	Ozment	Stang	
Clark, J.	Haake	Kuisle	Paulsen	Storm	
Daggett	Haas	Larsen, P.	Pawlenty	Swenson	
Davids	Hackbarth	Leppik	Pelowski	Sykora	
Dehler	Harder	Lindner	Reuter	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Gleason	Johnson	Mahoney	Osthoff	Solberg
Bakk	Gray	Kahn	Mariani	Otremba	Tomassoni
Carlson	Greenfield	Koskinen	Marko	Paymar	Trimble
Chaudhary	Hasskamp	Larson, D.	McCollum	Peterson	Tunheim
Clark, K.	Hausman	Leighton	Milbert	Pugh	Wagenius
Dawkins	Hilty	Lenczewski	Mullery	Rest	Wejzman
Entenza	Huntley	Lieder	Murphy	Rukavina	Winter
Folliard	Jaros	Luther	Orfield	Skoglund	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1204 was reported to the House.

Rostberg moved to amend S. F. No. 1204 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 853, the first engrossment:

"Section 1. Minnesota Statutes 1998, section 16B.61, subdivision 1a, is amended to read:

Subd. 1a. [ADMINISTRATION BY COMMISSIONER.] The commissioner shall administer and enforce the state building code as a municipality with respect to public buildings and state licensed facilities in the state. The commissioner shall establish appropriate permit, plan review, and inspection fees for public buildings and state licensed facilities. Fees and surcharges for public buildings and state licensed facilities must be remitted to the commissioner, who shall deposit them in the state treasury for credit to the special revenue fund.

Municipalities other than the state having a contractual agreement with the commissioner for code administration and enforcement service for public buildings and state licensed facilities shall charge their customary fees, including surcharge, to be paid directly to the contractual jurisdiction by the applicant seeking authorization to construct a public building or a state licensed facility. The commissioner shall contract with a municipality other than the state for plan review, code administration, and code enforcement service for public buildings and state licensed facilities in the contractual jurisdiction if the building officials of the municipality meet the requirements of section 16B.65 and wish to provide those services and if the commissioner determines that the municipality has enough adequately trained and qualified building inspectors to provide those services for the construction project.

The commissioner shall administer and enforce the provisions of the code relating to elevators statewide, except as provided for under section 16B.747, subdivision 3.

The commissioner shall contract with the commissioner of public safety for the plan review and inspection of fire sprinkler systems in public buildings and state-licensed facilities. The contract must include a schedule allocating applicable permit fees between the department of administration and the state fire marshal. This section does not affect the ability of a local authority to conduct plan reviews and inspections pursuant to sections 299M.04 and 299M.07.

Sec. 2. Minnesota Statutes 1998, section 16B.61, is amended by adding a subdivision to read:

Subd. 1b. [CODE ADOPTION AND COORDINATION.] (a) The commissioners of administration and public safety shall coordinate adoption of the state building code and the state fire code.

(b) If the commissioners of administration and public safety cannot reach agreement before publication of the proposed rules governing the common sections of the state building code and the state fire code, the issue must be presented to an administrative law judge, whose decision is binding. The costs for an administrative law judge must be shared equally by the agencies.

Sec. 3. Minnesota Statutes 1998, section 16B.61, subdivision 2, is amended to read:

Subd. 2. [ENFORCEMENT BY CERTAIN BODIES.] Under the direction and supervision of the commissioner, the provisions of the code relating to electrical installations shall be enforced by the state board of electricity, pursuant to the Minnesota Electrical Act, the provisions relating to plumbing shall be enforced by the commissioner of health, ~~the provisions relating to the Minnesota Uniform Fire Code shall be enforced by the state fire marshal,~~ the provisions relating to high pressure steam piping and appurtenances shall be enforced by the department of labor and industry. Fees for inspections conducted by the state board of electricity shall be paid in accordance with the rules of the state board of electricity. Under direction of the commissioner of public safety, the state fire marshal shall enforce the Minnesota Uniform Fire Code as provided in chapter 299F.

Sec. 4. Minnesota Statutes 1998, section 16B.65, is amended by adding a subdivision to read:

Subd. 8. [RELATION OF BUILDING AND FIRE CODES.] The commissioners of administration and public safety shall establish written, cooperative agreements. These agreements shall identify fire protection provisions for plan review and inspection of new and existing buildings by the state building codes and standards division and the state fire marshal division. These agreements shall include timelines for reviews, an appeals process for the resolution of differences, and renewal provisions."

Delete the title and insert:

"A bill for an act relating to the state building code; clarifying the responsibility for plan review and inspection of fire suppression systems; coordinating the adoption of the state building and fire codes; clarifying the supervision of the state fire marshal; requiring a cooperative agreement between state building and fire officials regarding enforcement of fire protection provisions of the building code; amending Minnesota Statutes 1998, sections 16B.61, subdivisions 1a, 2, and by adding a subdivision; and 16B.65, by adding a subdivision."

The motion prevailed and the amendment was adopted.

S. F. No. 1204, A bill for an act relating to the state building code; clarifying the supervision of the state fire marshal; modifying elevator installation provisions; amending Minnesota Statutes 1998, sections 16B.61, subdivision 2; and 16B.745, subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 108 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Holsten	Lindner	Osthoff	Solberg
Abrams	Erhardt	Huntley	Luther	Otremba	Stang
Anderson, I.	Erickson	Jaros	Mares	Ozment	Swenson
Bakk	Finseth	Jennings	Mariani	Pawlenty	Sykora
Biernat	Folliard	Johnson	Marko	Paymar	Tingelstad
Bishop	Fuller	Juhnke	McCollum	Pelowski	Tomassoni
Carlson	Gleason	Kahn	McElroy	Peterson	Trimble
Carruthers	Goodno	Kalis	McGuire	Pugh	Tuma
Cassell	Greenfield	Kelliher	Milbert	Rest	Tunheim
Chaudhary	Greiling	Koskinen	Molnau	Rhodes	Van Dellen
Clark, K.	Gunther	Kubly	Mulder	Rostberg	Wagenius
Daggett	Haake	Kuisle	Mullery	Rukavina	Wejcmán
Davids	Haas	Larsen, P.	Murphy	Schumacher	Wenzel
Dawkins	Hackbarth	Larson, D.	Ness	Seagren	Wilkin
Dehler	Harder	Leighton	Nornes	Seifert, J.	Winter
Dempsey	Hasskamp	Lenczewski	Opatz	Skoe	Wolf
Dorman	Hausman	Leppik	Orfield	Skoglund	Workman
Dorn	Hilty	Lieder	Osskopp	Smith	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.	Buesgens	Howes	Paulsen	Stanek	Westrom
Boudreau	Clark, J.	Kielkucki	Reuter	Storm	
Bradley	Gerlach	Krinkie	Rifenberg	Vandever	
Broecker	Holberg	Olson	Seifert, M.	Westerberg	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1202 was reported to the House.

Goodno moved to amend S. F. No. 1202 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1631, the third engrossment:

"Section 1. Minnesota Statutes 1998, section 13.99, subdivision 38, is amended to read:

Subd. 38. [HEALTH TEST RESULTS.] Health test results obtained under chapter 144 are classified under section ~~144.768~~ 144.7611.

Sec. 2. Minnesota Statutes 1998, section 13.99, is amended by adding a subdivision to read:

Subd. 65f. [BLOOD TEST RESULTS.] Blood test results obtained under sections 243.94 to 243.953 are classified under section 243.950.

Sec. 3. Minnesota Statutes 1998, section 72A.20, subdivision 29, is amended to read:

Subd. 29. [HIV TESTS; CRIME VICTIMS.] No insurer regulated under chapter 61A or 62B, or providing health, medical, hospitalization, or accident and sickness insurance regulated under chapter 62A, or nonprofit health services corporation regulated under chapter 62C, health maintenance organization regulated under chapter 62D, or fraternal benefit society regulated under chapter 64B, may:

(1) obtain or use the performance of or the results of a test to determine the presence of the human immunodeficiency virus (HIV) antibody performed on an offender under section 61A.19 or performed on a crime victim who was exposed to or had contact with an offender's bodily fluids during commission of a crime that was reported to law enforcement officials, in order to make an underwriting decision, cancel, fail to renew, or take any other action with respect to a policy, plan, certificate, or contract;

(2) obtain or use the performance of or the results of a test to determine the presence of ~~the human immunodeficiency virus (HIV) antibody~~ a bloodborne pathogen performed on ~~a patient pursuant to sections 144.761 to 144.7691, or performed on emergency medical services personnel pursuant to the protocol under section 144.762, subdivision 2,~~ an individual according to sections 144.7601 to 144.7615 or 243.94 to 243.953 in order to make an underwriting decision, cancel, fail to renew, or take any other action with respect to a policy, plan, certificate, or contract; ~~for purposes of this clause, "patient" and "emergency medical services personnel" have the meanings given in section 144.761; or~~

(3) ask an applicant for coverage or a person already covered whether the person has: (i) had a test performed for the reason set forth in clause (1) or (2); or (ii) been the victim of an assault or any other crime which involves bodily contact with the offender.

A question that purports to require an answer that would provide information regarding a test performed for the reason set forth in clause (1) or (2) may be interpreted as excluding this test. An answer that does not mention the test is considered to be a truthful answer for all purposes. An authorization for the release of medical records for insurance purposes must specifically exclude any test performed for the purpose set forth in clause (1) or (2) and must be read as providing this exclusion regardless of whether the exclusion is expressly stated. This subdivision does not affect tests conducted for purposes other than those described in clause (1) or (2), including any test to determine the presence of the human immunodeficiency virus (HIV) antibody if such test was performed at the insurer's direction as part of the insurer's normal underwriting requirements.

Sec. 4. Minnesota Statutes 1998, section 144.4804, is amended by adding a subdivision to read:

Subd. 8. [TUBERCULOSIS NOTIFICATION.] If an emergency medical services person, as defined in section 144.7601, subdivision 4, is exposed to a person with active tuberculosis during the performance of duties, the treatment facility's designated infection control coordinator shall notify the emergency medical services agency's exposure control officer by telephone and by written correspondence. The facility's designated infection control coordinator shall provide the emergency medical services person with information about screening and, if indicated, follow-up.

Sec. 5. [144.7601] [DEFINITIONS.]

Subdivision 1. [SCOPE OF DEFINITIONS.] For purposes of sections 144.7601 to 144.7615, the following terms have the meanings given them.

Subd. 2. [BLOODBORNE PATHOGENS.] "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Subd. 3. [EMERGENCY MEDICAL SERVICES AGENCY.] "Emergency medical services agency" means an agency, entity, or organization that employs or uses emergency medical services persons as employees or volunteers.

Subd. 4. [EMERGENCY MEDICAL SERVICES PERSON.] "Emergency medical services person" means:

(1) an individual employed or receiving compensation to provide out-of-hospital emergency medical services such as a firefighter, paramedic, emergency medical technician, licensed nurse, rescue squad person, or other individual who serves as an employee or volunteer of an ambulance service as defined under chapter 144E or a member of an organized first responder squad that is formally recognized by a political subdivision in the state, who provides out-of-hospital emergency medical services during the performance of the individual's duties;

(2) an individual employed as a licensed peace officer under section 626.84, subdivision 1;

(3) an individual employed as a crime laboratory worker while working outside the laboratory and involved in a criminal investigation;

(4) any individual who renders emergency care or assistance at the scene of an emergency or while an injured person is being transported to receive medical care and who is acting as a good samaritan under section 604A.01; and

(5) any individual who, in the process of executing a citizen's arrest under section 629.30, may have experienced a significant exposure to a source individual.

Subd. 5. [SOURCE INDIVIDUAL.] "Source individual" means an individual, living or dead, whose blood, tissue, or potentially infectious body fluids may be a source of bloodborne pathogen exposure to an emergency medical services person. Examples include, but are not limited to, a victim of an accident, injury, or illness or a deceased person.

Subd. 6. [SIGNIFICANT EXPOSURE.] "Significant exposure" means contact likely to transmit a bloodborne pathogen, in a manner supported by the most current guidelines and recommendations of the United States Public Health Service at the time an evaluation takes place, that includes:

- (1) percutaneous injury, contact of mucous membrane or nonintact skin, or prolonged contact of intact skin; and
- (2) contact, in a manner that may transmit a bloodborne pathogen, with blood, tissue, or potentially infectious body fluids.

Subd. 7. [FACILITY.] "Facility" means a hospital licensed under sections 144.50 to 144.56 or a freestanding emergency medical care facility licensed under Laws 1988, chapter 467, that receives an emergency medical services person for evaluation for significant exposure or a source individual cared for by an emergency medical services person.

Sec. 6. [144.7602] [CONDITIONS FOR APPLICABILITY OF PROCEDURES.]

Subdivision 1. [REQUEST FOR PROCEDURES.] An emergency medical services person or emergency medical services agency may request that a facility follow the procedures of sections 144.7601 to 144.7615 when an emergency medical services person may have experienced a significant exposure to a source individual.

Subd. 2. [CONDITIONS.] A facility shall follow the procedures outlined in sections 144.7601 to 144.7615 when all of the following conditions are met:

- (1) the facility determines that significant exposure has occurred, following the protocol under section 144.7614;
- (2) the licensed physician for the emergency medical services person needs the source individual's bloodborne pathogen test results to begin, continue, modify, or discontinue treatment, in accordance with the most current guidelines of the United States Public Health Service, because of possible exposure to a bloodborne pathogen; and
- (3) the emergency medical services person consents to provide a blood sample for testing for a bloodborne pathogen. If the emergency medical services person consents to blood collection, but does not consent at that time to bloodborne pathogen testing, the facility shall preserve the sample for at least 90 days. If the emergency medical services person elects to have the sample tested within 90 days, the testing shall be done as soon as feasible.

Subd. 3. [LOCATING SOURCE INDIVIDUAL.] If the source individual is not received by a facility but the facility is providing treatment to the emergency medical services person, the emergency medical services agency shall make reasonable efforts to locate the source individual and inform the facility of the source individual's identity and location. The facility shall make a reasonable effort to contact the source individual in order to follow the procedures in sections 144.7601 to 144.7615. The emergency services agency and facilities may exchange private data about the source individual as necessary to fulfill their responsibilities under this subdivision, notwithstanding any provision of law to the contrary.

Sec. 7. [144.7603] [INFORMATION REQUIRED TO BE GIVEN TO INDIVIDUALS.]

Subdivision 1. [INFORMATION TO SOURCE INDIVIDUAL.] (a) Before seeking any consent required by the procedures under sections 144.7601 to 144.7615, a facility shall inform the source individual that the source individual's bloodborne pathogen test results, without the individual's name, address, or other uniquely identifying information, shall be reported to the emergency medical services person if requested, and that test results collected under sections 144.7601 to 144.7615 are for medical purposes as set forth in section 144.7609 and may not be used as evidence in any criminal proceedings or civil proceedings, except for procedures under sections 144.4171 to 144.4186.

(b) The facility shall inform the source individual of the insurance protections in section 72A.20, subdivision 29.

(c) The facility shall inform the source individual that the individual may refuse to provide a blood sample and that the source individual's refusal may result in a request for a court order to require the source individual to provide a blood sample.

(d) The facility shall inform the source individual that the facility will advise the emergency medical services person of the confidentiality requirements and penalties before disclosing any test information.

Subd. 2. [INFORMATION TO EMS PERSON.] (a) Before disclosing any information about the source individual, the facility shall inform the emergency medical services person of the confidentiality requirements of section 144.7611 and that the person may be subject to penalties for unauthorized release of information about the source individual under section 144.7612.

(b) The facility shall inform the emergency medical services person of the insurance protections in section 72A.20, subdivision 29.

Sec. 8. [144.7604] [DISCLOSURE OF POSITIVE BLOODBORNE PATHOGEN TEST RESULTS.]

If the conditions of sections 144.7602 and 144.7603 are met, the facility shall ask the source individual and the emergency medical services person if they have ever had a positive test for a bloodborne pathogen. The facility must attempt to get existing test results under this section before taking any steps to obtain a blood sample or to test for bloodborne pathogens. The facility shall disclose the source individual's bloodborne pathogen test results to the emergency medical services person without the source individual's name, address, or other uniquely identifying information.

Sec. 9. [144.7605] [CONSENT PROCEDURES GENERALLY.]

(a) For purposes of sections 144.7601 to 144.7615, whenever the facility is required to seek consent, the facility shall follow its usual procedure for obtaining consent from an individual or an individual's representative consistent with other law applicable to consent.

(b) Consent from a source individual's representative for bloodborne pathogen testing of a blood sample obtained from the source individual is not required if the facility has made reasonable efforts to obtain the representative's consent and consent cannot be obtained within 24 hours of a significant exposure.

(c) If testing of the source individual's blood occurs without consent because the source individual is unable to provide consent or has left the facility and cannot be located, and the source individual's representative cannot be located, the facility shall provide the information required in section 144.7603 to the source individual or representative whenever it is possible to do so.

(d) If a source individual dies before an opportunity to consent to blood collection or testing under sections 144.7601 to 144.7615, the facility does not need consent of the deceased person's representative for purposes of sections 144.7601 to 144.7615.

Sec. 10. [144.7606] [TESTING OF AVAILABLE BLOOD.]

Subdivision 1. [PROCEDURES WITH CONSENT.] If the source individual is or was under the care or custody of the facility and a sample of the source individual's blood is available with the consent of the source individual, the facility shall test that blood for bloodborne pathogens with the consent of the source individual, provided the conditions in sections 144.7602 and 144.7603 are met.

Subd. 2. [PROCEDURES WITHOUT CONSENT.] If the source individual has provided a blood sample with consent but does not consent to bloodborne pathogen testing, the facility shall test for bloodborne pathogens if the emergency medical services person or emergency medical services agency requests the test, provided all of the following criteria are met:

(1) the emergency medical services person or emergency medical services agency has documented exposure to blood or body fluids during performance of that person's occupation or while acting as a good samaritan under section 604A.01;

(2) the facility has determined that a significant exposure has occurred and a licensed physician for the emergency medical services person has documented in the emergency medical services person's medical record that bloodborne pathogen test results are needed for beginning, modifying, continuing, or discontinuing medical treatment for the emergency medical services person under section 144.7614, subdivision 2;

(3) the emergency medical services person provides a blood sample for testing for bloodborne pathogens as soon as feasible;

(4) the facility asks the source individual to consent to a test for bloodborne pathogens and the source individual does not consent;

(5) the facility has provided the source individual with all of the information required by section 144.7603; and

(6) the facility has informed the emergency medical services person of the confidentiality requirements of section 144.7611 and the penalties for unauthorized release of source information under section 144.7612.

Subd. 3. [FOLLOW-UP.] The facility shall inform the source individual and the emergency medical services person of their own test results. The facility shall inform the emergency medical services person of the source individual's test results without the source individual's name, address, or other uniquely identifying information.

Sec. 11. [144.7607] [BLOOD SAMPLE COLLECTION FOR TESTING.]

Subdivision 1. [PROCEDURES WITH CONSENT.] (a) If a blood sample is not otherwise available, the facility shall obtain consent from the source individual before collecting a blood sample for testing for bloodborne pathogens. The consent process shall include informing the source individual that the individual may refuse to provide a blood sample and that the source individual's refusal may result in a request for a court order under subdivision 2 to require the source individual to provide a blood sample.

(b) If the source individual consents to provide a blood sample, the facility shall collect a blood sample and test the sample for bloodborne pathogens.

(c) The facility shall inform the emergency medical services person about the source individual's test results without the individual's name, address, or other uniquely identifying information. The facility shall inform the source individual of the test results.

(d) If the source individual refuses to provide a blood sample for testing, the facility shall inform the emergency medical services person of the source individual's refusal.

Subd. 2. [PROCEDURES WITHOUT CONSENT.] (a) An emergency medical services agency, or, if there is no agency, an emergency medical services person, may bring a petition for a court order to require a source individual to provide a blood sample for testing for bloodborne pathogens. The petition shall be filed in the district court in

the county where the source individual resides or is hospitalized. The petitioner shall serve the petition on the source individual at least three days before a hearing on the petition. The petition shall include one or more affidavits attesting that:

(1) the facility followed the procedures in sections 144.7601 to 144.7615 and attempted to obtain bloodborne pathogen test results according to those sections;

(2) it has been determined under section 144.7614, subdivision 2, that a significant exposure has occurred to the emergency medical services person; and

(3) a physician with specialty training in infectious diseases, including HIV, has documented that the emergency medical services person has provided a blood sample and consented to testing for bloodborne pathogens and bloodborne pathogen test results are needed for beginning, continuing, modifying, or discontinuing medical treatment for the emergency medical services person.

(b) Facilities shall cooperate with petitioners in providing any necessary affidavits to the extent that facility staff can attest under oath to the facts in the affidavits.

(c) The court may order the source individual to provide a blood sample for bloodborne pathogen testing if:

(1) there is probable cause to believe the emergency medical services person has experienced a significant exposure to the source individual;

(2) the court imposes appropriate safeguards against unauthorized disclosure that must specify the persons who have access to the test results and the purposes for which the test results may be used;

(3) a licensed physician for the emergency medical services person needs the test results for beginning, continuing, modifying, or discontinuing medical treatment for the emergency medical services person; and

(4) the court finds a compelling need for the test results. In assessing compelling need, the court shall weigh the need for the court-ordered blood collection and test results against the interests of the source individual, including, but not limited to, privacy, health, safety, or economic interests. The court shall also consider whether the involuntary blood collection and testing would serve the public interest.

(d) The court shall conduct the proceeding in camera unless the petitioner or the source individual requests a hearing in open court or the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

(e) The source individual has the right to counsel in any proceeding brought under this subdivision.

Sec. 12. [144.7608] [NO DISCRIMINATION.]

A facility shall not base decisions about admission to a facility or the provision of care or treatment on any requirement that the source individual consent to bloodborne pathogen testing under sections 144.7601 to 144.7615.

Sec. 13. [144.7609] [USE OF TEST RESULTS.]

Bloodborne pathogen test results of a source individual obtained under sections 144.7601 to 144.7615 are for diagnostic purposes and to determine the need for treatment or medical care specific to a bloodborne pathogen-related illness of an emergency medical services person. The test results may not be used as evidence in any criminal proceedings or civil proceedings, except for procedures under sections 144.4171 to 144.4186.

Sec. 14. [144.7611] [TEST INFORMATION CONFIDENTIALITY.]

Subdivision 1. [PRIVATE DATA.] Information concerning test results obtained under sections 144.7601 to 144.7615 is information protected from disclosure without consent under section 144.335 with respect to private facilities and private data as defined in section 13.02, subdivision 12, with respect to public facilities.

Subd. 2. [CONSENT TO RELEASE INFORMATION.] No facility, individual, or employer shall disclose to an emergency medical services person the name, address, or other uniquely identifying information about a source individual without a written release signed by the source individual or the source individual's legally authorized representative. The facility shall not record the name, address, or other uniquely identifying information about the source individual's test results in the emergency medical services person's medical records.

Sec. 15. [144.7612] [PENALTY FOR UNAUTHORIZED RELEASE OF INFORMATION.]

Any unauthorized release by an individual, facility, or agency of a source individual's name, address, or other uniquely identifying information under sections 144.7601 to 144.7615 is a misdemeanor. This section does not preclude the source individual from pursuing remedies and penalties under section 13.08, 13.09, or 144.335, or other private causes of action against an individual, state agency, statewide system, political subdivision, or person responsible for releasing private data or information protected from disclosure.

Sec. 16. [144.7613] [RESPONSIBILITY FOR TESTING AND TREATMENT; COSTS.]

(a) The facility shall ensure that tests under sections 144.7601 to 144.7615 are performed if requested by the emergency medical services person or emergency medical services agency, provided the conditions set forth in sections 144.7601 to 144.7615 are met.

(b) The emergency medical services agency that employs the emergency medical services person who requests testing under sections 144.7601 to 144.7615 must pay or arrange payment for the cost of counseling, testing, and treatment of the emergency medical services person and costs associated with the testing of the source individual.

(c) A facility shall have a protocol that states whether the facility will pay for the cost of counseling, testing, or treatment of a person executing a citizen's arrest under section 629.30 or acting as a good samaritan under section 604A.01.

Sec. 17. [144.7614] [PROTOCOLS FOR EXPOSURE TO BLOODBORNE PATHOGENS.]

Subdivision 1. [EMS AGENCY REQUIREMENTS.] The emergency medical services agency shall have procedures for an emergency medical services person to notify a facility that the person may have experienced a significant exposure from a source individual. The emergency medical services agency shall also have a protocol to locate the source individual if the facility has not received the source individual and the emergency medical services agency knows the source individual's identity.

Subd. 2. [FACILITY PROTOCOL REQUIREMENTS.] Every facility shall adopt and follow a postexposure protocol for emergency medical services persons who have experienced a significant exposure. The postexposure protocol must adhere to the most current recommendations of the United States Public Health Service and include, at a minimum, the following:

(1) a process for emergency medical services persons to report a significant exposure in a timely fashion;

(2) a process for an infectious disease specialist, or a licensed physician who is knowledgeable about the most current recommendations of the United States Public Health Service in consultation with an infectious disease specialist, (i) to determine whether a significant exposure to one or more bloodborne pathogens has occurred and (ii) to provide, under the direction of a licensed physician, a recommendation or recommendations for follow-up treatment appropriate to the particular bloodborne pathogen or pathogens for which a significant exposure has been determined;

(3) if there has been a significant exposure, a process to determine whether the source individual has a bloodborne pathogen through disclosure of test results, or through blood collection and testing as required by sections 144.7601 to 144.7615;

(4) a process for providing appropriate counseling prior to and following testing for a bloodborne pathogen regarding the likelihood of bloodborne pathogen transmission and follow-up recommendations according to the most current recommendations of the United States Public Health Service, recommendations for testing, and treatment to the emergency medical services person;

(5) a process for providing appropriate counseling under clause (4) to the emergency medical services person and the source individual; and

(6) compliance with applicable state and federal laws relating to data practices, confidentiality, informed consent, and the patient bill of rights.

Sec. 18. [144.7615] [PENALTIES AND IMMUNITY.]

Subdivision 1. [PENALTIES.] Any facility or person who willfully violates the provisions of sections 144.7601 to 144.7615 is guilty of a misdemeanor.

Subd. 2. [IMMUNITY.] A facility, licensed physician, and designated health care personnel are immune from liability in any civil, administrative, or criminal action relating to the disclosure of test results to an emergency medical services person or emergency medical services agency and the testing of a blood sample from the source individual for bloodborne pathogens if a good faith effort has been made to comply with sections 144.7601 to 144.7615.

Sec. 19. Minnesota Statutes 1998, section 214.18, is amended by adding a subdivision to read:

Subd. 3a. [HCV.] "HCV" means the hepatitis C virus.

Sec. 20. Minnesota Statutes 1998, section 214.18, subdivision 5, is amended to read:

Subd. 5. [REGULATED PERSON.] "Regulated person" means a licensed dental hygienist, dentist, physician, nurse who is currently registered as a registered nurse or licensed practical nurse, podiatrist, a registered dental assistant, a physician's assistant, and for purposes of sections 214.19, subdivisions 4 and 5; 214.20, paragraph (a); and 214.24, a chiropractor.

Sec. 21. Minnesota Statutes 1998, section 214.19, is amended to read:

214.19 [REPORTING OBLIGATIONS.]

Subdivision 1. [PERMISSION TO REPORT.] A person with actual knowledge that a regulated person has been diagnosed as infected with HIV or HBV or HCV may file a report with the commissioner.

Subd. 2. [SELF-REPORTING.] A regulated person who is diagnosed as infected with HIV or HBV or HCV shall report that information to the commissioner promptly, and as soon as medically necessary for disease control purposes but no more than 30 days after learning of the diagnosis or 30 days after becoming licensed or registered by the state.

Subd. 3. [MANDATORY REPORTING.] A person or institution required to report HIV or HBV or HCV status to the commissioner under Minnesota Rules, parts 4605.7030, subparts 1 to 4 and 6, and 4605.7040, shall, at the same time, notify the commissioner if the person or institution knows that the reported person is a regulated person.

Subd. 4. [INFECTION CONTROL REPORTING.] A regulated person shall, within ten days, report to the appropriate board personal knowledge of a serious failure or a pattern of failure by another regulated person to comply with accepted and prevailing infection control procedures related to the prevention of HIV ~~and~~, HBV, and HCV transmission. In lieu of reporting to the board, the regulated person may make the report to a designated official of the hospital, nursing home, clinic, or other institution or agency where the failure to comply with accepted and prevailing infection control procedures occurred. The designated official shall report to the appropriate board within 30 days of receiving a report under this subdivision. The report shall include specific information about the response by the institution or agency to the report. A regulated person shall not be discharged or discriminated against for filing a complaint in good faith under this subdivision.

Subd. 5. [IMMUNITY.] A person is immune from civil liability or criminal prosecution for submitting a report in good faith to the commissioner or to a board under this section.

Sec. 22. Minnesota Statutes 1998, section 214.20, is amended to read:

214.20 [GROUNDS FOR DISCIPLINARY OR RESTRICTIVE ACTION.]

A board may refuse to grant a license or registration or may impose disciplinary or restrictive action against a regulated person who:

(1) fails to follow accepted and prevailing infection control procedures, including a failure to conform to current recommendations of the Centers for Disease Control for preventing the transmission of HIV ~~and~~, HBV, and HCV, or fails to comply with infection control rules promulgated by the board. Injury to a patient need not be established;

(2) fails to comply with any requirement of sections 214.17 to 214.24; or

(3) fails to comply with any monitoring or reporting requirement.

Sec. 23. Minnesota Statutes 1998, section 214.22, is amended to read:

214.22 [NOTICE; ACTION.]

If the board has reasonable grounds to believe a regulated person infected with HIV ~~or~~, HBV, or HCV has done or omitted doing any act that would be grounds for disciplinary action under section 214.20, the board may take action after giving notice three business days before the action, or a lesser time if deemed necessary by the board. The board may:

(1) temporarily suspend the regulated person's right to practice under section 214.21;

(2) require the regulated person to appear personally at a conference with representatives of the board and to provide information relating to the regulated person's health or professional practice; and

(3) take any other lesser action deemed necessary by the board for the protection of the public.

Sec. 24. Minnesota Statutes 1998, section 214.23, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF HEALTH.] The board shall enter into a contract with the commissioner to perform the functions in subdivisions 2 and 3. The contract shall provide that:

(1) unless requested to do otherwise by a regulated person, a board shall refer all regulated persons infected with HIV ~~or~~, HBV, or HCV to the commissioner;

(2) the commissioner may choose to refer any regulated person who is infected with HIV or HBV₁ or HCV as well as all information related thereto to the person's board at any time for any reason, including but not limited to: the degree of cooperation and compliance by the regulated person; the inability to secure information or the medical records of the regulated person; or when the facts may present other possible violations of the regulated persons practices act. Upon request of the regulated person who is infected with HIV or HBV₁ or HCV, the commissioner shall refer the regulated person and all information related thereto to the person's board. Once the commissioner has referred a regulated person to a board, the board may not thereafter submit it to the commissioner to establish a monitoring plan unless the commissioner of health consents in writing;

(3) a board shall not take action on grounds relating solely to the HIV or HBV₁ or HCV status of a regulated person until after referral by the commissioner; and

(4) notwithstanding sections 13.39 and 13.41 and chapters 147, 147A, 148, 150A, 153, and 214, a board shall forward to the commissioner any information on a regulated person who is infected with HIV or HBV₁ or HCV that the department of health requests.

Sec. 25. Minnesota Statutes 1998, section 214.23, subdivision 2, is amended to read:

Subd. 2. [MONITORING PLAN.] After receiving a report that a regulated person is infected with HIV or HBV₁ or HCV, the board or the commissioner acting on behalf of the board shall evaluate the past and current professional practice of the regulated person to determine whether there has been a violation under section 214.20. After evaluation of the regulated person's past and current professional practice, the board or the commissioner, acting on behalf of the board, shall establish a monitoring plan for the regulated person. The monitoring plan may:

(1) address the scope of a regulated person's professional practice when the board or the commissioner, acting on behalf of the board, determines that the practice constitutes an identifiable risk of transmission of HIV or HBV₁ or HCV from the regulated person to the patient;

(2) include the submission of regular reports at a frequency determined by the board or the commissioner, acting on behalf of the board, regarding the regulated person's health status; and

(3) include any other provisions deemed reasonable by the board or the commissioner of health, acting on behalf of the board.

The board or commissioner, acting on behalf of the board, may enter into agreements with qualified persons to perform monitoring on its behalf. The regulated person shall comply with any monitoring plan established under this subdivision.

Sec. 26. Minnesota Statutes 1998, section 214.25, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER OF HEALTH DATA.] (a) All data collected or maintained as part of the commissioner of health's duties under sections 214.19, 214.23, and 214.24 shall be classified as investigative data under section 13.39, except that inactive investigative data shall be classified as private data under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9, in the case of data not on individuals.

(b) Notwithstanding section 13.05, subdivision 9, data addressed in this subdivision shall not be disclosed except as provided in this subdivision or section 13.04; except that the commissioner may disclose to the boards under section 214.23.

(c) The commissioner may disclose data addressed under this subdivision as necessary: to identify, establish, implement, and enforce a monitoring plan; to investigate a regulated person; to alert persons who may be threatened by illness as evidenced by epidemiologic data; to control or prevent the spread of HIV or HBV₁ or HCV disease; or to diminish an imminent threat to the public health.

Sec. 27. [243.94] [DEFINITIONS.]

Subdivision 1. [SCOPE OF DEFINITIONS.] For purposes of sections 243.94 to 243.953, the following terms have the meanings given them.

Subd. 2. [BLOODBORNE PATHOGENS.] "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. The pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Subd. 3. [INMATE.] "Inmate" means:

(1) any person who is convicted of a felony, is committed to the custody of the commissioner of corrections and is confined in a state correctional facility or secure treatment facility or released from a state correctional facility or secure treatment facility pursuant to section 244.065 or 244.07;

(2) any person who is convicted of a crime and is in the custody of a local correctional facility or secure treatment facility, which has the meaning given in section 241.021, subdivision 1; or

(3) a person committed as a sexual psychopathic personality or sexually dangerous person as defined in section 253B.02, subdivisions 18b and 18c.

Subd. 4. [CORRECTIONAL FACILITY.] "Correctional facility" means a state or local correctional facility.

Subd. 5. [CORRECTIONS EMPLOYEE.] "Corrections employee" means an employee of a state or local correctional agency who experiences a significant exposure to an inmate during the performance of the employee's duties.

Subd. 6. [EMPLOYEE AT A SECURE TREATMENT FACILITY.] "Employee at a secure treatment facility" means an employee at the Minnesota security hospital or the Minnesota sexual psychopathic personality treatment center who experiences a significant exposure in the performance of the employee's duties.

Subd. 7. [SECURE TREATMENT FACILITY.] "Secure treatment facility" means the Minnesota security hospital or the Minnesota sexual psychopathic personality treatment center.

Subd. 8. [SIGNIFICANT EXPOSURE.] "Significant exposure" means contact, in a manner supported by recommendation of the United States Public Health Service most current at the time these evaluations take place, which includes:

(1) percutaneous injury, contact of mucous membrane or nonintact skin, or prolonged contact of intact skin; and

(2) contact, in a manner which may transmit a bloodborne pathogen, with blood, tissue, or other body fluids.

Sec. 28. [243.941] [CONDITIONS FOR APPLICABILITY OF PROCEDURES.]

Subdivision 1. [REQUEST FOR PROCEDURES.] A corrections employee or employee at a secure treatment facility may request that the procedures of sections 243.94 to 243.953 be followed when the corrections employee or employee at a secure treatment facility may have experienced a significant exposure to an inmate.

Subd. 2. [CONDITIONS.] The correctional or secure treatment facility shall follow the procedures outlined in sections 243.94 to 243.953 when all of the following conditions are met:

(1) a licensed physician determines that a significant exposure has occurred following the process under section 243.945;

(2) the licensed physician for the corrections employee or employee at a secure treatment facility needs the inmate's bloodborne pathogens test results to begin, continue, modify, or discontinue treatment in accordance with the most current guidelines of the United States Public Health Service, because of possible exposure to a bloodborne pathogen; and

(3) the corrections employee or employee at a secure treatment facility consents to providing a blood sample for testing for a bloodborne pathogen.

Sec. 29. [243.942] [INFORMATION REQUIRED TO BE GIVEN TO INDIVIDUALS.]

Subdivision 1. [INFORMATION TO INMATE.] Before seeking any consent required by these procedures, the correctional or secure treatment facility shall inform the inmate that the inmate's bloodborne pathogen test results, without name or other uniquely identifying information, will be reported to the corrections employee or employee at a secure treatment facility if requested, and that test results collected through this process are for medical purposes as set forth in section 243.948 and cannot be used as evidence in any criminal proceedings. The correctional or secure treatment facility shall inform the inmate that the correctional or secure treatment facility will advise the corrections employee or employee at a secure treatment facility of the confidentiality requirements and penalties before the employee's health care provider discloses any test results.

Subd. 2. [INFORMATION TO CORRECTIONS EMPLOYEE OR EMPLOYEE AT A SECURE TREATMENT FACILITY.] Before disclosing any information about the inmate, the correctional or secure treatment facility shall inform the corrections employee or employee at a secure treatment facility of the confidentiality requirements of section 243.950 and that the person may be subject to penalties for unauthorized release of test results about the inmate under section 243.951.

Sec. 30. [243.943] [DISCLOSURE OF POSITIVE BLOODBORNE PATHOGEN TEST RESULTS.]

If the condition of sections 243.941 and 243.942 are met, the correctional or secure treatment facility shall ask the inmate if they have ever had a positive test for a bloodborne pathogen. The correctional or secure treatment facility must attempt to get existing test results under this section before taking any steps to obtain a blood sample or to test for bloodborne pathogens. The correctional or secure treatment facility shall disclose the inmate's bloodborne pathogen test results to the corrections employee or employee at a secure treatment facility without name or other uniquely identifying information.

Sec. 31. [243.944] [CONSENT PROCEDURES GENERALLY.]

For purposes of sections 243.94 to 243.953, whenever the correctional or secure treatment facility is required to seek consent, the correctional or secure treatment facility shall obtain consent from an inmate or an inmate's representative consistent with other law applicable to consent. Consent is not required if the correctional or secure treatment facility has made reasonable efforts to obtain the representative's consent and consent cannot be obtained within 24 hours of a significant exposure. If testing of available blood occurs without consent because the inmate is unconscious or unable to provide consent, and a representative cannot be located, the correctional or secure treatment facility shall provide the information required in section 243.942 to the inmate or representative whenever it is possible to do so. If an inmate dies before an opportunity to consent to blood collection or testing under sections 243.94 to 243.953, the correctional or secure treatment facility does not need consent of the inmate's representative for purposes of these sections.

Sec. 32. [243.945] [TESTING OF AVAILABLE BLOOD.]

Subdivision 1. [PROCEDURES WITH CONSENT.] If a sample of the inmate's blood is available, the correctional or secure treatment facility shall ensure that blood is tested for bloodborne pathogens with the consent of the inmate, provided the conditions in sections 243.941 and 243.942 are met.

Subd. 2. [PROCEDURES WITHOUT CONSENT.] If the inmate has provided a blood sample, but does not consent to bloodborne pathogens testing, the correctional or secure treatment facility shall ensure that the blood is tested for bloodborne pathogens if the corrections employee or employee at a secure treatment facility requests, provided all of the following criteria are met:

(1) the corrections employee or employee at a secure treatment facility and correctional or secure treatment facility or state hospital or treatment center have documented exposure to blood or body fluids during performance of the employee's work duties;

(2) a licensed physician has determined that a significant exposure has occurred under section 243.941, subdivision 2, and has documented that bloodborne pathogen test results are needed for beginning, modifying, continuing, or discontinuing medical treatment for the corrections employee or employee at a secure treatment facility as recommended by the most current guidelines of the United States Public Health Service;

(3) the corrections employee or employee at a secure treatment facility provides a blood sample for testing for bloodborne pathogens as soon as feasible;

(4) the correctional or secure treatment facility has asked the inmate to consent to a test for bloodborne pathogens and the inmate has not consented;

(5) the correctional or secure treatment facility has provided the inmate and the corrections employee or employee at a secure treatment facility with all of the information required by section 243.942; and

(6) the correctional or secure treatment facility has informed the corrections employee or employee at a secure treatment facility of the confidentiality requirements of section 243.950 and the penalties for unauthorized release of inmate information under section 243.951.

Subd. 3. [FOLLOW-UP.] The correctional or secure treatment facility shall inform the inmate whose blood was tested of the results. The correctional or secure treatment facility shall inform the corrections employee's or secure treatment facility employee's health care provider of the inmate's test results without name or other uniquely identifying information.

Sec. 33. [243.946] [BLOOD SAMPLE COLLECTION FOR TESTING.]

Subdivision 1. [PROCEDURES WITH CONSENT.] If a blood sample is not otherwise available, the correctional or secure treatment facility shall obtain consent from the inmate before collecting a blood sample for testing for bloodborne pathogens. The consent process shall include informing the inmate that the inmate can refuse to provide a blood sample, and that the inmate's refusal may result in a request for a court order under subdivision 2 to require the inmate to provide a blood sample. If the inmate consents to provide a blood sample, the correctional or secure treatment facility shall collect a blood sample and ensure that sample is tested for bloodborne pathogens. The correctional or secure treatment facility shall inform the corrections employee's or secure treatment facility employee's health care provider about the inmate's test results without name or other uniquely identifying information. The correctional or secure treatment facility shall inform the inmate of the test results. If the inmate refuses to provide a blood sample for testing, the correctional or secure treatment facility shall inform the corrections employee or employee at a secure treatment facility about the inmate's refusal.

Subd. 2. [PROCEDURES WITHOUT CONSENT.] (a) A correctional or secure treatment facility, or a corrections employee or employee at a secure treatment facility, may bring a petition for a court order to require an inmate to provide a blood sample for testing for bloodborne pathogens. The petition shall be filed in the district court in the county where the inmate is confined. The correctional or secure treatment facility shall serve the petition on the inmate before a hearing on the petition. The petition shall include an affidavit or affidavits attesting that:

(1) the correctional or secure treatment facility followed the procedures in sections 243.94 to 243.953 and attempted to obtain bloodborne pathogen test results through those sections;

(2) a licensed physician knowledgeable about the most current recommendations of the United States Public Health Service has determined that a significant exposure has occurred to the corrections employee or employee at a secure treatment facility consistent with section 243.941, subdivision 2; and

(3) a physician has documented that bloodborne pathogen test results are needed for beginning, continuing, modifying, or discontinuing medical treatment for the corrections employee or employee at a secure treatment facility.

Facilities shall cooperate with petitioners in providing any necessary affidavits to the extent that facility staff can attest under oath to the facts in the affidavits.

(b) The court may order the inmate to provide a blood sample for bloodborne pathogen testing if:

(1) there is probable cause to believe the corrections employee or employee at a secure treatment facility has experienced a significant exposure to the inmate;

(2) the court imposes appropriate safeguards against unauthorized disclosure which must specify the persons who have access to the test results and the purposes for which the test results may be used;

(3) a licensed physician for the corrections employee or employee at a secure treatment facility needs the test results for beginning, continuing, modifying, or discontinuing medical treatment for the corrections employee or employee at a secure treatment facility; and

(4) the court finds a compelling need for the test results.

In assessing compelling need, the court shall weigh the need for the compelled blood collection and the test results against the privacy interests of the inmate. The court shall also consider whether involuntary blood collection and testing would serve the public interest.

(c) The court shall conduct the proceeding in camera unless the petitioner or the inmate requests a hearing in open court and unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

(d) The inmate may arrange for counsel in any proceeding brought under this subdivision.

Sec. 34. [243.947] [NO DISCRIMINATION.]

The correctional or secure treatment facility shall not withhold care or treatment because the inmate refuses to consent to bloodborne pathogen testing under these procedures.

Sec. 35. [243.948] [USE OF TEST RESULTS.]

Bloodborne pathogen test results of the inmate obtained under sections 243.94 to 243.953 are for diagnostic purposes, and to determine the need for treatment or medical care specific to a bloodborne pathogen-related illness. The test results cannot be used as evidence in any criminal proceedings.

Sec. 36. [243.949] [BLOOD TESTING FOR OTHER EXPOSED PERSONS.]

Any person, other than another inmate, who has experienced significant exposure to an inmate may request the correctional or secure treatment facility to implement blood testing procedures outlined in sections 243.94 to 243.953. If the correctional or secure treatment facility determines that the conditions outlined in section 243.941, subdivision 2, have been met, the facility shall follow the procedures outlined in sections 243.94 to 243.953. Informational disclosure, consent requirements, test information confidentiality, and any other provision in sections 243.94 to 243.953 shall apply to blood testing for any person, other than another inmate, who has experienced significant exposure to an inmate and requested testing under this section.

Sec. 37. [243.950] [TEST INFORMATION CONFIDENTIALITY.]

Test results obtained under sections 243.94 to 243.953 are private data as defined in sections 13.02, subdivision 12, and 13.85, subdivision 2, but shall be released as provided by sections 243.94 to 243.953.

Sec. 38. [243.951] [PENALTY FOR UNAUTHORIZED RELEASE OF INFORMATION.]

Unauthorized release of the inmate's name or other uniquely identifying information under sections 243.94 to 243.953 is subject to the remedies and penalties under sections 13.08 and 13.09. This section does not preclude private causes of action against an individual, state agency, statewide system, political subdivision, or person responsible for releasing private data, or confidential or private information on the inmate.

Sec. 39. [243.952] [PROTOCOL FOR EXPOSURE TO BLOODBORNE PATHOGENS.]

Correctional or secure treatment facilities shall follow applicable guidelines for bloodborne pathogens, as provided by Code of Federal Regulations, title 29, part 1910, section 1030. Postexposure protocols for corrections employees or employees at a secure treatment facility who have experienced a significant exposure must adhere to the most current recommendations by the United States Public Health Service.

Sec. 40. [243.953] [IMMUNITY.]

A correctional or secure treatment facility, licensed physician, and designated health care personnel are immune from liability in any civil, administrative, or criminal action relating to the disclosure of test results of an inmate to a corrections employee or employee at a secure treatment facility and the testing of a blood sample from the inmate for bloodborne pathogens if a good faith effort has been made to comply with sections 243.94 to 243.953.

Sec. 41. Minnesota Statutes 1998, section 611A.19, subdivision 1, is amended to read:

Subdivision 1. [TESTING ON REQUEST OF VICTIM.] (a) Upon the request or with the consent of the victim, the prosecutor shall make a motion in camera and the sentencing court shall issue an order requiring an adult convicted of or a juvenile adjudicated delinquent for violating section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or any other violent crime, as defined in section 609.1095, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if:

(1) the crime involved sexual penetration, however slight, as defined in section 609.341, subdivision 12; or

(2) evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's semen or blood during the commission of the crime in a manner which has been demonstrated epidemiologically to transmit the human immunodeficiency virus (HIV).

(b) When the court orders an offender to submit to testing under paragraph (a), the court shall order that the test be performed by an appropriate health professional who is trained to provide the counseling described in section ~~144.763~~ 144.7614, and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services.

Sec. 42. Minnesota Statutes 1998, section 611A.19, subdivision 2, is amended to read:

Subd. 2. [DISCLOSURE OF TEST RESULTS.] The date and results of a test performed under subdivision 1 are private data as defined in section 13.02, subdivision 12, when maintained by a person subject to chapter 13, or may be released only with the subject's consent, if maintained by a person not subject to chapter 13. The results are available, on request, to the victim or, if the victim is a minor, to the victim's parent or guardian and positive test results shall be reported to the commissioner of health. Any test results given to a victim or victim's parent or

guardian shall be provided by a health professional who is trained to provide the counseling described in section ~~144.763~~ 144.7614. Data regarding administration and results of the test are not accessible to any other person for any purpose and shall not be maintained in any record of the court or court services or any other record. After the test results are given to the victim or the victim's parent or guardian, data on the test must be removed from any medical data or health records maintained under section 13.42 or 144.335 and destroyed.

Sec. 43. [REPEALER.]

Minnesota Statutes 1998, sections 144.761; 144.762; 144.763; 144.764; 144.765; 144.766; 144.767; 144.768; 144.769; and 144.7691, are repealed."

Delete the title and insert:

"A bill for an act relating to health; establishing protocol for occupational exposure to bloodborne pathogens in certain settings; providing criminal penalties; amending Minnesota Statutes 1998, sections 13.99, subdivision 38, and by adding a subdivision; 72A.20, subdivision 29; 144.4804, by adding a subdivision; 214.18, subdivision 5, and by adding a subdivision; 214.19; 214.20; 214.22; 214.23, subdivisions 1 and 2; 214.25, subdivision 2; and 611A.19, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 144; and 243; repealing Minnesota Statutes 1998, sections 144.761; 144.762; 144.763; 144.764; 144.765; 144.766; 144.767; 144.768; 144.769; and 144.7691."

The motion prevailed and the amendment was adopted.

S. F. No. 1202, A bill for an act relating to health; establishing protocol for occupational exposure to bloodborne pathogens in certain settings; providing criminal penalties; amending Minnesota Statutes 1998, sections 13.99, subdivision 38, and by adding a subdivision; 72A.20, subdivision 29; 144.4804, by adding a subdivision; 214.18, subdivision 5, and by adding a subdivision; 214.19; 214.20; 214.22; 214.23, subdivisions 1 and 2; 214.25, subdivision 2; and 611A.19, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 144; and 241; repealing Minnesota Statutes 1998, sections 144.761; 144.762; 144.763; 144.764; 144.765; 144.766; 144.767; 144.768; 144.769; and 144.7691.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Cassell	Erickson	Harder	Kelliher	Lindner
Abrams	Chaudhary	Finseth	Hasskamp	Kielkucki	Luther
Anderson, B.	Clark, J.	Folliard	Hausman	Knoblach	Mahoney
Anderson, I.	Clark, K.	Fuller	Hilty	Koskinen	Mares
Bakk	Daggett	Gerlach	Holberg	Krinkie	Mariani
Biernat	Davids	Gleason	Holsten	Kubly	Marko
Bishop	Dawkins	Goodno	Howes	Kuisele	McCollum
Boudreau	Dehler	Greenfield	Huntley	Larsen, P.	McElroy
Bradley	Dempsey	Greiling	Jennings	Larson, D.	McGuire
Broecker	Dorman	Gunther	Johnson	Leighton	Milbert
Buesgens	Dorn	Haake	Juhnke	Lenczewski	Molnau
Carlson	Entenza	Haas	Kahn	Leppik	Mulder
Carruthers	Erhardt	Hackbarth	Kalis	Lieder	Mullery

Murphy	Ozment	Rhodes	Skoglund	Tomassoni	Westerberg
Ness	Paulsen	Rifenberg	Smith	Trimble	Westrom
Nornes	Pawlenty	Rostberg	Solberg	Tuma	Wilkin
Olson	Paymar	Rukavina	Stanek	Tunheim	Winter
Opatz	Pelowski	Schumacher	Stang	Van Dellen	Wolf
Orfield	Peterson	Seagren	Storm	Vandever	Workman
Osskopp	Pugh	Seifert, J.	Swenson	Wagenius	Spk. Sviggum
Osthoff	Rest	Seifert, M.	Sykora	Wejcman	
Otremba	Reuter	Skoe	Tingelstad	Wenzel	

The bill was passed, as amended, and its title agreed to.

H. F. No. 16, A bill for an act relating to education; entitling public school students to an education without serious classroom disruption; amending Minnesota Statutes 1998, sections 121A.45, subdivision 2; and 121A.61, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mares	Pelowski	Tingelstad
Abrams	Erhardt	Jaros	Marko	Peterson	Tomassoni
Anderson, B.	Erickson	Jennings	McCollum	Pugh	Trimble
Anderson, I.	Finseth	Johnson	McElroy	Rest	Tuma
Bakk	Folliard	Juhnke	McGuire	Reuter	Tunheim
Biernat	Fuller	Kalis	Milbert	Rhodes	Van Dellen
Bishop	Gerlach	Kelliher	Molnau	Rifenberg	Vandever
Boudreau	Gleason	Kielkucki	Mulder	Rostberg	Wagenius
Bradley	Goodno	Knoblach	Mullery	Rukavina	Wejcman
Broecker	Greenfield	Koskinen	Murphy	Schumacher	Wenzel
Buesgens	Greiling	Krinkie	Ness	Seagren	Westerberg
Carlson	Gunther	Kubly	Nornes	Seifert, J.	Westrom
Carruthers	Haake	Kuisle	Olson	Seifert, M.	Wilkin
Cassell	Haas	Larsen, P.	Opatz	Skoe	Winter
Chaudhary	Hackbarth	Larson, D.	Orfield	Skoglund	Wolf
Clark, J.	Harder	Leighton	Osskopp	Smith	Workman
Daggett	Hasskamp	Lenczewski	Osthoff	Solberg	Spk. Sviggum
Davids	Hausman	Leppik	Otremba	Stanek	
Dehler	Hilty	Lieder	Ozment	Stang	
Dempsey	Holberg	Lindner	Paulsen	Storm	
Dorman	Holsten	Luther	Pawlenty	Swenson	
Dorn	Howes	Mahoney	Paymar	Sykora	

Those who voted in the negative were:

Clark, K.	Dawkins	Gray	Kahn	Mariani
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The bill was passed and its title agreed to.

S. F. No. 841 was reported to the House.

Haas moved to amend S. F. No. 841 as follows:

Page 3, line 29, before the headnote insert "[62L.055]"

Page 3, line 31, before "Notwithstanding" insert "(a)" and delete "Minnesota Statutes," and insert "this"

Page 3, line 32, delete "62L,"

Page 4, line 5, delete "Minnesota Statutes," and insert "this" and delete "62L"

Page 4, line 12, delete "Minnesota Statutes,"

Page 4, line 23, before "The" insert "(b)" and delete "Minnesota Statutes," and delete the remaining comma

Page 4, line 25, before "This" insert "(c)"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Greenfield moved to amend S. F. No. 841, as amended, as follows:

Page 4, delete lines 1 to 3

Renumber the remaining clauses

A roll call was requested and properly seconded.

The question was taken on the Greenfield amendment and the roll was called. There were 49 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Bakk	Folliard	Jaros	Mariani	Otremba	Tunheim
Biernat	Gleason	Jennings	Marko	Paymar	Wagenius
Carlson	Gray	Johnson	McCollum	Pelowski	Wejzman
Carruthers	Greenfield	Kahn	McGuire	Pugh	Winter
Chaudhary	Greiling	Kelliher	Milbert	Rukavina	
Clark, K.	Hasskamp	Koskinen	Mullery	Skoglund	
Dawkins	Hausman	Leighton	Murphy	Solberg	
Dorn	Hilty	Luther	Orfield	Tomassoni	
Entenza	Huntley	Mahoney	Osthoff	Trimble	

Those who voted in the negative were:

Abeler	Anderson, I.	Bradley	Cassell	Dauids	Dorman
Abrams	Bishop	Broecker	Clark, J.	Dehler	Erhardt
Anderson, B.	Boudreau	Buesgens	Daggett	Dempsey	Erickson

Finseth	Howes	Leppik	Ozment	Seifert, J.	Van Dellen
Fuller	Juhnke	Lindner	Paulsen	Seifert, M.	Vandever
Gerlach	Kalis	Mares	Pawlenty	Skoe	Wenzel
Goodno	Kielkucki	McElroy	Peterson	Smith	Westerberg
Gunther	Knoblach	Molnau	Rest	Stanek	Westrom
Haake	Krinkie	Mulder	Reuter	Stang	Wilkin
Haas	Kubly	Ness	Rhodes	Storm	Wolf
Hackbarth	Kuisle	Nornes	Rifenberg	Swenson	Workman
Harder	Larsen, P.	Olson	Rostberg	Sykora	Spk. Sviggum
Holberg	Larson, D.	Opatz	Schumacher	Tingelstad	
Holsten	Lenczewski	Osskopp	Seagren	Tuma	

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

Huntley moved to amend S. F. No. 841, as amended, as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1998, section 62A.021, subdivision 1, is amended to read:

Subdivision 1. [LOSS RATIO STANDARDS.] (a) Notwithstanding section 62A.02, subdivision 3, relating to loss ratios, health care policies or certificates shall not be delivered or issued for delivery to an individual or to a small employer as defined in section 62L.02, unless the policies or certificates can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to Minnesota policyholders and certificate holders in the form of aggregate benefits not including anticipated refunds or credits, provided under the policies or certificates, (1) at least 75 percent of the aggregate amount of premiums earned in the case of policies issued in the small employer market, as defined in section 62L.02, subdivision 27, calculated on an aggregate basis; and (2) at least 65 percent of the aggregate amount of premiums earned in the case of each policy form or certificate form issued in the individual market; calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period and according to accepted actuarial principles and practices. Assessments by the reinsurance association created in chapter 62L and all types of taxes, surcharges, or assessments created by Laws 1992, chapter 549, or created on or after April 23, 1992, are included in the calculation of incurred claims experience or incurred health care expenses. The applicable percentage for policies and certificates issued in the small employer market, as defined in section 62L.02, increases by one percentage point on July 1 of each year, beginning on July 1, 1994, until an 82 percent loss ratio is reached on July 1, 2000. The applicable percentage for policy forms and certificate forms issued in the individual market increases by one percentage point on July 1 of each year, beginning on July 1, 1994, until a 72 percent loss ratio is reached on July 1, 2000. A health carrier that enters a market after July 1, 1993, does not start at the beginning of the phase-in schedule and must instead comply with the loss ratio requirements applicable to other health carriers in that market for each time period. Premiums earned and claims incurred in markets other than the small employer and individual markets are not relevant for purposes of this section.

(b) All filings of rates and rating schedules shall demonstrate that actual expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards, and aggregate loss ratio from inception of the policy form or certificate form shall equal or exceed the appropriate loss ratio standards.

(c) A health carrier that issues health care policies and certificates to individuals or to small employers, as defined in section 62L.02, in this state shall file annually its rates, rating schedule, and supporting documentation including ratios of incurred losses to earned premiums by policy form or certificate form duration for approval by the commissioner according to the filing requirements and procedures prescribed by the commissioner. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. If the data submitted does not confirm that the health carrier has satisfied the loss ratio requirements of this section, the commissioner shall notify the health carrier in writing of the deficiency. The health carrier shall have 30 days from the date of the commissioner's notice to file amended rates that comply with this section. If the health carrier fails to file amended rates within the prescribed time, the commissioner shall order that the health carrier's filed rates for the nonconforming policy form or certificate form be reduced to an amount that would have resulted in a loss ratio that complied with this section had it been in effect for the reporting period of the supplement. The health carrier's failure to file amended rates within the specified time or the issuance of the commissioner's order amending the rates does not preclude the health carrier from filing an amendment of its rates at a later time. The commissioner shall annually make the submitted data available to the public at a cost not to exceed the cost of copying. The data must be compiled in a form useful for consumers who wish to compare premium charges and loss ratios.

(d) Each sale of a policy or certificate that does not comply with the loss ratio requirements of this section is an unfair or deceptive act or practice in the business of insurance and is subject to the penalties in sections 72A.17 to 72A.32.

(e)(1) For purposes of this section, health care policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

(2) For purposes of this section, (i) "health care policy" or "health care certificate" is a health plan as defined in section 62A.011; and (ii) "health carrier" has the meaning given in section 62A.011 and includes all health carriers delivering or issuing for delivery health care policies or certificates in this state or offering these policies or certificates to residents of this state.

~~(f) The loss ratio phase-in as described in paragraph (a) does not apply to individual policies and small employer policies issued by a health plan company that is assessed less than three percent of the total annual amount assessed by the Minnesota comprehensive health association. These policies must meet a 68 percent loss ratio for individual policies, a 71 percent loss ratio for small employer policies with fewer than ten employees, and a 75 percent loss ratio for all other small employer policies.~~

~~(g) The commissioners of commerce and health shall each annually issue a public report listing, by health plan company, the actual loss ratios experienced in the individual and small employer markets in this state by the health plan companies that the commissioners respectively regulate. The commissioners shall coordinate release of these reports so as to release them as a joint report or as separate reports issued the same day. The report or reports shall be released no later than June 1 for loss ratios experienced for the preceding calendar year. Health plan companies shall provide to the commissioners any information requested by the commissioners for purposes of this paragraph."~~

Page 4, delete lines 16 to 18

Renumber the remaining clauses

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Huntley amendment and the roll was called. There were 45 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Bakk	Gleason	Johnson	Marko	Otremba	Trimble
Biernat	Gray	Kahn	McCollum	Paymar	Wagenius
Carruthers	Greenfield	Kelliher	McGuire	Pelowski	Wejcman
Chaudhary	Greiling	Koskinen	Milbert	Pugh	Wenzel
Clark, K.	Hausman	Leighton	Mullery	Rukavina	Winter
Dawkins	Hilty	Lieder	Murphy	Skoglund	
Entenza	Huntley	Luther	Orfield	Solberg	
Folliard	Jaros	Mahoney	Osthoff	Tomassoni	

Those who voted in the negative were:

Abeler	Dempsey	Holberg	Lindner	Rest	Sykora
Abrams	Dorman	Holsten	Mares	Reuter	Tingelstad
Anderson, B.	Dorn	Howes	Mariani	Rhodes	Tuma
Anderson, I.	Erhardt	Jennings	McElroy	Rifenberg	Tunheim
Bishop	Erickson	Juhnke	Molnau	Rostberg	Van Dellen
Boudreau	Finseth	Kalis	Mulder	Schumacher	Vandever
Bradley	Fuller	Kielkucki	Ness	Seagren	Westerberg
Broecker	Gerlach	Knoblach	Nornes	Seifert, J.	Westrom
Buesgens	Goodno	Krinkie	Olson	Seifert, M.	Wilkin
Carlson	Gunther	Kubly	Opatz	Skoe	Wolf
Cassell	Haake	Kuisle	Osskopp	Smith	Workman
Clark, J.	Haas	Larsen, P.	Ozment	Stanek	Spk. Sviggum
Daggett	Hackbarth	Larson, D.	Paulsen	Stang	
Davids	Harder	Lenczewski	Pawlenty	Storm	
Dehler	Hasskamp	Leppik	Peterson	Swenson	

The motion did not prevail and the amendment was not adopted.

Huntley and Greenfield moved to amend S. F. No. 841, as amended, as follows:

Page 4, line 20, after "law" insert ", except for coverage of emergency services required under Minnesota Statutes, section 62Q.55"

A roll call was requested and properly seconded.

The question was taken on the Huntley and Greenfield amendment and the roll was called. There were 63 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Bakk	Clark, K.	Fuller	Hasskamp	Jaros	Kalis
Biernat	Dawkins	Gleason	Hausman	Jennings	Kelliher
Carlson	Dorn	Gray	Hilty	Johnson	Koskinen
Carruthers	Entenza	Greenfield	Howes	Juhnke	Kubly
Chaudhary	Folliard	Greiling	Huntley	Kahn	Larson, D.

Leighton	Mariani	Murphy	Peterson	Skoglund	Wejman
Lenczewski	Marko	Opatz	Pugh	Solberg	Wenzel
Leppik	McCollum	Orfield	Rest	Tomassoni	Winter
Lieder	McGuire	Otremba	Rukavina	Trimble	
Luther	Milbert	Paymar	Schumacher	Tunheim	
Mahoney	Mullery	Pelowski	Skoe	Wagenius	

Those who voted in the negative were:

Abeler	Dehler	Harder	Mulder	Seagren	Vandever
Anderson, B.	Dempsey	Holberg	Ness	Seifert, J.	Westerberg
Anderson, I.	Dorman	Holsten	Nornes	Seifert, M.	Westrom
Bishop	Erhardt	Kielkucki	Olson	Smith	Wilkin
Boudreau	Erickson	Knoblach	Osskopp	Stanek	Wolf
Bradley	Finseth	Krinkie	Ozment	Stang	Workman
Broecker	Gerlach	Kuisle	Paulsen	Storm	Spk. Sviggum
Buesgens	Goodno	Larsen, P.	Pawlenty	Swenson	
Cassell	Gunther	Lindner	Reuter	Sykora	
Clark, J.	Haake	Mares	Rhodes	Tingelstad	
Daggett	Haas	McElroy	Rifenberg	Tuma	
Davids	Hackbarth	Molnau	Rostberg	Van Dellen	

The motion did not prevail and the amendment was not adopted.

McCollum, Huntley, Juhnke, Otremba, Luther, Peterson, Paymar and Koskinen moved to amend S. F. No. 841, as amended, as follows:

Page 4, line 20, after "law" insert ", except for:

(i) coverage of diabetes required under Minnesota Statutes, section 62A.3093;

(ii) coverage of prostate cancer screening required under Minnesota Statutes, section 62Q.50;

(iii) continuation coverage for former employees, dependents, and divorced spouses required under Minnesota Statutes, sections 62A.17, 62A.20, and 62A.21; and

(iv) coverage of disabled college students required under Minnesota Statutes, section 62A.301"

A roll call was requested and properly seconded.

The question was taken on the McCollum et al amendment and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Chaudhary	Folliard	Hausman	Johnson	Koskinen
Bakk	Clark, K.	Gleason	Hilty	Juhnke	Kubly
Biernat	Dawkins	Gray	Huntley	Kahn	Larson, D.
Carlson	Dorn	Greenfield	Jaros	Kalis	Leighton
Carruthers	Entenza	Greiling	Jennings	Kelliher	Lenczewski

Lieder	McCollum	Opatz	Pelowski	Schumacher	Tunheim
Luther	McGuire	Orfield	Peterson	Skoglund	Wagenius
Mahoney	Milbert	Osthoff	Pugh	Solberg	Wejcman
Mariani	Mullery	Otremba	Rest	Tomassoni	Wenzel
Marko	Murphy	Paymar	Rukavina	Trimble	Winter

Those who voted in the negative were:

Abeler	Dehler	Hackbarth	Mares	Rhodes	Sykora
Abrams	Dempsey	Harder	McElroy	Rifenberg	Tingelstad
Anderson, B.	Dorman	Holberg	Molnau	Rostberg	Tuma
Bishop	Erhardt	Holsten	Mulder	Seagren	Van Dellen
Boudreau	Erickson	Howes	Ness	Seifert, J.	Vandever
Bradley	Finseth	Kielkucki	Nornes	Seifert, M.	Westerberg
Broecker	Fuller	Knoblach	Olson	Skoe	Westrom
Buesgens	Gerlach	Krinkie	Osskopp	Smith	Wilkin
Cassell	Goodno	Kuisle	Ozment	Stanek	Wolf
Clark, J.	Gunther	Larsen, P.	Paulsen	Stang	Workman
Daggett	Haake	Leppik	Pawlenty	Storm	Spk. Sviggum
Davids	Haas	Lindner	Reuter	Swenson	

The motion did not prevail and the amendment was not adopted.

Haas moved to amend S. F. No. 841, as amended, as follows:

Page 4, line 20, after "law" insert ", other than the requirement that care provided by osteopaths, optometrists, and chiropractors, or registered nurses meeting the requirements of section 62A.15, subdivision 39, be covered and reimbursed on a nondiscriminatory basis"

The motion prevailed and the amendment was adopted.

Koskinen, Luther, Skoglund, Huntley, Wagenius, Kelliher and Wejcman moved to amend S. F. No. 841, as amended, as follows:

Page 4, line 20, after "law" insert ", and except for coverage of maternity benefits required under, section 62A.041"

A roll call was requested and properly seconded.

The question was taken on the Koskinen et al amendment and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Carruthers	Clark, K.	Dehler
Abrams	Biernat	Broecker	Cassell	Daggett	Dempsey
Anderson, B.	Bishop	Buesgens	Chaudhary	Davids	Dorman
Anderson, I.	Boudreau	Carlson	Clark, J.	Dawkins	Dorn

Entenza	Hausman	Kuisle	Mulder	Rest	Tingelstad
Erhardt	Hilty	Larsen, P.	Mullery	Reuter	Tomassoni
Erickson	Holberg	Larson, D.	Murphy	Rhodes	Trimble
Finseth	Holsten	Leighton	Ness	Rifenberg	Tuma
Folliard	Howes	Lenczewski	Nornes	Rostberg	Tunheim
Fuller	Huntley	Leppik	Olson	Rukavina	Van Dellen
Gerlach	Jaros	Lieder	Opatz	Schumacher	Vandever
Gleason	Jennings	Lindner	Orfield	Seifert, J.	Wagenius
Goodno	Johnson	Luther	Osskopp	Seifert, M.	Wejcman
Gray	Juhnke	Mahoney	Osthoff	Skoe	Wenzel
Greenfield	Kahn	Mares	Otremba	Skoglund	Westerberg
Greiling	Kalis	Mariani	Ozment	Smith	Westrom
Gunther	Kelliher	Marko	Paulsen	Solberg	Wilkin
Haake	Kielkucki	McCollum	Pawlenty	Stanek	Winter
Haas	Knoblach	McElroy	Paymar	Stang	Wolf
Hackbarth	Koskinen	McGuire	Pelowski	Storm	Workman
Harder	Krinkie	Milbert	Peterson	Swenson	Spk. Sviggum
Hasskamp	Kubly	Molnau	Pugh	Sykora	

The motion prevailed and the amendment was adopted.

Otremba, Skoglund, McCollum, Juhnke, Koskinen, Johnson, Luther, Wejcman, Huntley, Schumacher, Wagenius, Dorn and Kahn moved to amend S. F. No. 841, as amended, as follows:

Page 4, line 20, after "law" insert ", except for:

(i) coverage of routine cancer screening, utilizing mammograms and pap smears, required under Minnesota Statutes, section 62A.30;

(ii) coverage of reconstructive surgery for breast reconstruction, required under Minnesota Statutes, section 62A.25;

(iii) coverage of direct access to obstetrical-gynecological care required under Minnesota Statutes, section 62Q.52;
and

(iv) coverage of breast cancer, utilizing high dose chemotherapy followed by bone marrow transplantation, required under Minnesota Statutes, section 62A.309"

A roll call was requested and properly seconded.

Haas moved that S. F. No. 841, as amended, be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 283, A bill for an act relating to civil commitment; clarifying standards and procedures; modifying procedures governing persons committed as mentally ill and dangerous to the public; amending Minnesota Statutes 1998, sections 253B.065, subdivision 5; 253B.17, subdivision 1; 253B.18, subdivisions 1, 2, and 4c; 253B.185, subdivision 1; and 256G.08, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holsten	Lindner	Ozment	Stang
Abrams	Entenza	Howes	Luther	Paulsen	Storm
Anderson, B.	Erhardt	Huntley	Mahoney	Pawlenty	Swenson
Anderson, I.	Erickson	Jaros	Mares	Paymar	Sykora
Bakk	Finseth	Jennings	Mariani	Pelowski	Tingelstad
Biernat	Folliard	Johnson	Marko	Peterson	Tomassoni
Boudreau	Fuller	Juhnke	McCollum	Pugh	Trimble
Bradley	Gerlach	Kahn	McElroy	Rest	Tuma
Broecker	Gleason	Kalis	McGuire	Reuter	Tunheim
Buesgens	Goodno	Kelliher	Milbert	Rhodes	Van Dellen
Carlson	Gray	Kielkucki	Molnau	Rifenberg	Vandever
Carruthers	Greenfield	Knoblach	Mulder	Rostberg	Wagenius
Cassell	Greiling	Koskinen	Mullery	Rukavina	Wejzman
Chaudhary	Gunther	Krinkie	Murphy	Schumacher	Wenzel
Clark, J.	Haake	Kubly	Ness	Seagren	Westerberg
Clark, K.	Haas	Kuisle	Nornes	Seifert, J.	Westrom
Daggett	Hackbarth	Larsen, P.	Olson	Seifert, M.	Wilkin
Davids	Harder	Larson, D.	Opatz	Skoe	Winter
Dawkins	Hasskamp	Leighton	Orfield	Skoglund	Wolf
Dehler	Hausman	Lenczewski	Osskopp	Smith	Workman
Dempsey	Hilty	Leppik	Osthoff	Solberg	Spk. Sviggum
Dorman	Holberg	Lieder	Otremba	Stanek	

The bill was passed and its title agreed to.

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Tuma moved that the name of Storm be added as an author on H. F. No. 2414. The motion prevailed.

Larsen, P., moved that S. F. No. 2 be recalled from the Committee on State Government Finance and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Seifert, J., moved that S. F. No. 1485 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Ways and Means. The motion prevailed.

SUSPENSION OF RULES

Pursuant to rule 5.02, Wenzel moved that the rules be so far suspended that H. F. No. 2415 be recalled from the Committee on Rules and Legislative Administration, be given its second and third readings and be placed upon its final passage. The motion prevailed.

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Wenzel moved that the rule therein be suspended and an urgency be declared so that H. F. No. 2415 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 2415 was read for the second time.

Lindner moved to amend H. F. No. 2415 as follows:

Page 3, delete lines 1 to 9

A roll call was requested and properly seconded.

The question was taken on the Lindner amendment and the roll was called. There were 16 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dehler	Lindner	Osskopp	Stang	Spk. Sviggum
Buesgens	Gerlach	Ness	Reuter	Westerberg	
Cassell	Kuisle	Olson	Seifert, M.	Westrom	

Those who voted in the negative were:

Anderson, I.	Greenfield	Kahn	Mares	Pugh	Wagenius
Biernat	Greiling	Kalis	Mariani	Rest	Wejzman
Carlson	Hasskamp	Kelliher	McCollum	Rhodes	Wenzel
Carruthers	Hausman	Koskinen	McGuire	Rukavina	Winter
Chaudhary	Hilty	Larson, D.	Mullery	Skoe	
Clark, K.	Howes	Leighton	Murphy	Skoglund	
Entenza	Huntley	Leppik	Osthoff	Solberg	
Folliard	Jennings	Lieder	Otremba	Tomassoni	
Gleason	Johnson	Luther	Ozment	Tunheim	

The motion did not prevail and the amendment was not adopted.

Pugh moved to amend H. F. No. 2415 as follows:

Page 3, line 3, after "government" insert "and its armed forces"

A roll call was requested and properly seconded.

The question was taken on the Pugh amendment and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Boudreau	Buesgens	Cassell	Clark, K.
Abrams	Bakk	Bradley	Carlson	Chaudhary	Daggett
Anderson, B.	Biernat	Broecker	Carruthers	Clark, J.	Dauids

Dehler	Hackbarth	Koskinen	Milbert	Rest	Tingelstad
Dempsey	Harder	Krinkie	Molnau	Reuter	Tomassoni
Dorman	Hasskamp	Kubly	Mulder	Rhodes	Tuma
Dorn	Hausman	Kuisle	Mullery	Rifenberg	Tunheim
Entenza	Hilty	Larsen, P.	Murphy	Rostberg	Van Dellen
Erhardt	Holberg	Larson, D.	Ness	Rukavina	Vandever
Erickson	Holsten	Leighton	Nornes	Schumacher	Wagenius
Finseth	Howes	Lenczewski	Olson	Seagren	Wejcman
Folliard	Huntley	Leppik	Osskopp	Seifert, J.	Wenzel
Fuller	Jaros	Lieder	Osthoff	Seifert, M.	Westerberg
Gerlach	Jennings	Lindner	Otremba	Skoe	Westrom
Gleason	Johnson	Luther	Ozment	Skoglund	Wilkin
Goodno	Juhnke	Mahoney	Paulsen	Solberg	Winter
Greenfield	Kahn	Mares	Pawlenty	Stanek	Workman
Greiling	Kalis	Mariani	Paymar	Stang	Spk. Sviggum
Gunther	Kelliher	Marko	Pelowski	Storm	
Haake	Kielkucki	McCollum	Peterson	Swenson	
Haas	Knoblach	McGuire	Pugh	Sykora	

The motion prevailed and the amendment was adopted.

H. F. No. 2415, A resolution memorializing the United States government to act with all speed to provide humanitarian aid to Kosovo.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 84 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Huntley	Lenczewski	Orfield	Skoe
Bakk	Erhardt	Jaros	Leppik	Otremba	Skoglund
Biernat	Folliard	Jennings	Lieder	Ozment	Solberg
Bradley	Gleason	Johnson	Luther	Pawlenty	Swenson
Carlson	Goodno	Juhnke	Mahoney	Pelowski	Tomassoni
Carruthers	Gray	Kahn	Mares	Peterson	Tunheim
Chaudhary	Greenfield	Kalis	Mariani	Pugh	Van Dellen
Clark, J.	Greiling	Kelliher	McCollum	Rest	Wagenius
Clark, K.	Gunther	Kielkucki	McGuire	Rhodes	Wejcman
Davids	Hackbarth	Koskinen	Milbert	Rostberg	Wenzel
Dehler	Hasskamp	Kubly	Mulder	Rukavina	Westerberg
Dempsey	Hausman	Larsen, P.	Mullery	Schumacher	Wilkin
Dorman	Hilty	Larson, D.	Murphy	Seagren	Winter
Dorn	Howes	Leighton	Ness	Seifert, M.	Spk. Sviggum

Those who voted in the negative were:

Olson	Wolf
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The bill was passed, as amended, and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1467:

Sykora, Nornes, Mulder, Abeler and McGuire.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2387:

Molnau, Kuisle, Workman, Lieder and Kalis.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1330:

Haas, Davids and Lieder.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2017:

Mares, Haas and Jennings.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Abrams announced his intention to place S. F. No. 2223 on the Fiscal Calendar for Thursday, April 22, 1999.

REPORT FROM THE CHAIR OF THE
COMMITTEE ON WAYS AND MEANS

April 21, 1999

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. No. 2412 and S. F. No. 2223 (H. F. No. 2386) reconcile with the budget resolution and targets.

Sincerely,

REPRESENTATIVE DAVE BISHOP
Chair, House Ways and Means Committee

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, April 22, 1999. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, April 22, 1999.

EDWARD A. BURDICK, Chief Clerk, House of Representatives